

In the Matter Of:

*IN RE DETECTIVE DAVID MARCH*

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DETECTIVE DAVID MARCH

July 25, 2016

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**Amicus**<sup>tm</sup>  
court reporters, inc

300 West Adams St. Ste 800

Chicago, IL 60606

Phone: 312.641.3500

Fax: 312.641.3795

Email: [info@amicusreporters.com](mailto:info@amicusreporters.com)

07/25/2016

**MARCH     DETECTIVE DAVID  
IN RE DETECTIVE DAVID MARCH**

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CITY OF CHICAGO

OFFICE OF INSPECTOR GENERAL

-INTERVIEW OF DETECTIVE DAVID MARCH-

July 25, 2016

TRANSCRIPT OF INTERVIEW of DETECTIVE DAVID  
MARCH, taken before MICHELLE M. YOHLER, a Notary  
Public within and for the County of Cook, State  
of Illinois, and a Certified Shorthand Reporter  
of said state, CSR No. 84-4531, at Suite 800,  
300 West Adams Street, Chicago, Illinois, on the  
25th day of July, 2016 at 9:59 a.m.

1 APPEARANCES:

2

3

OFFICE OF INSPECTOR GENERAL  
CITY OF CHICAGO

4

BY: MR. PETER NEUMER

5

MS. DEBORAH WITZBURG

6

(740 North Sedgwick Street, Suite 200

7

Chicago, Illinois 60654

8

773.478.8218

9

pneumer@chicagoinspectorgeneral.org

10

dwitzburg@chicagoinspectorgeneral.org)

11

12

13

LAWRENCE H. HYMAN AND ASSOCIATES

14

BY: MR. JAMES P. MCKAY, JR.

15

(111 West Washington Street, Suite 1025

16

Chicago, Illinois 60602

17

312.346.6766

18

jmckay@lhyman.com)

19

Appeared on behalf of

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Detective David March.

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Amicus Reporters

300 West Adams Suite 800 Chicago, Illinois 60606

info@amicusreporters.com

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1 MR. NEUMER: As a preliminary matter, I am  
2 providing the following information. An  
3 independent certified court reporter is present  
4 today to provide a verbatim transcript of this  
5 interview.

6 To aid in the accuracy of the  
7 transcript, it is the custom and practice of  
8 court reporters to audio record the interview.  
9 The recording is the confidential work product  
10 property of the court reporter and will not be  
11 provided to any party including the OIG. If you  
12 request, the audio recording will be  
13 discontinued.

14 So, Detective March, are you okay  
15 with the court reporter audio recording this  
16 interview?

17 THE WITNESS: Yes.

18 MR. NEUMER: Let the record reflect that  
19 today's date is July 25th, 2016. The time is  
20 9:59 am. We are located at Amicus Court  
21 Reporters, 300 West Adams, Suite 800.

22 My name is Peter Neumer, the court  
23 reporter is Michelle Yohler, and I'd ask that  
24 the other individuals present identify

1 themselves and spell their name for the record.

2 MS. WITZBURG: Assistant Inspector General,  
3 Deborah Witzburg, D-e-b-o-r-a-h W-i-t-z-b-u-r-g.

4 MR. MCKAY: James P. McKay, Jr. Last name  
5 is spelled M-c-K-a-y. I'm an attorney, and I  
6 represent Detective David March.

7 THE WITNESS: Detective David March. Last  
8 name is spelled M-a-r-c-h.

9 MR. NEUMER: Detective March, I'm now going  
10 to hand you a form that's Advisements of Rights.  
11 This has been marked previously as Exhibit 1.  
12 This Advisement of Rights form has already been  
13 filled in with your name, my name, my colleague  
14 Deborah Witzburg's name.

15 I'm going to ask you to read along  
16 with me as I go through this form, and I'm going  
17 to ask you to acknowledge after each paragraph  
18 that you've read the paragraph.

19 (WHEREUPON, a certain document was marked  
20 March Deposition Exhibit No. 1, for  
21 identification, as of 07/25/2016.)

22 MR. MCKAY: Peter, before we begin, can I  
23 put something on the record?

24 MR. NEUMER: For sure.

1 MR. McKAY: Peter, recently my client,  
2 Detective March, was notified of this appearance  
3 here this morning. The Notification of  
4 Interview describes Detective March as an  
5 accused. The appearance suggests that Detective  
6 David March's false statements concerning the  
7 McDonald shooting and a review and approval of  
8 reports containing false statements.

9 The Notification of Allegations list  
10 four allegations premised on John Escalante's  
11 letter to the Inspector General dated  
12 January 13, 2016. John Escalante's letter  
13 references a memo drafted by Sergeant Soria,  
14 S-o-r-i-a. That memo was dated on or about  
15 July 17, 2015.

16 The allegations include, number one,  
17 that Detective March reviewed and approved an  
18 Original Case Incident Report prepared by  
19 Officer Dora Fontaine and that report falsely  
20 stated that Officer Jason Van Dyke was, quote,  
21 injured by offender.

22 Secondly, that Detective March is  
23 accused of assisting in the drafting of the  
24 report I just mentioned.

1 Three, that Detective March made a  
2 false statement to Investigator Earl Briggs of  
3 the Cook County Medical Examiner's Office when,  
4 with respect to the shooting, Officer Briggs'  
5 report indicates that McDonald lunged at Chicago  
6 police officers.

7 And the fourth allegation is that  
8 Detective March is incompetent in the  
9 performance of his duties in the ways enumerated  
10 by allegations one through three.

11 Mr. Neumer, I'm asking you do you  
12 believe these new allegations indicate a  
13 criminal prosecution is probable against  
14 Detective March?

15 MR. NEUMER: OIG is conducting an  
16 administrative investigation. OIG is not  
17 conducting a joint investigation and is not  
18 working with any other law enforcement agency  
19 with respect to this investigation.

20 MR. MCKAY: Thank you. I would ask,  
21 however, that you advise Detective March of his  
22 Constitutional rights pursuant to Miranda versus  
23 Arizona.

24 It's unclear whether a criminal

1 investigation is going to take place and, if so,  
2 who will be doing that. A special prosecutor  
3 has yet to be named regarding any of the police  
4 officers not named Jason Van Dyke in this  
5 particular case. So, with that said, I ask that  
6 you advise Detective March of his Constitutional  
7 rights pursuant to Miranda versus Arizona.

8 MR. NEUMER: The outcome of this  
9 administrative investigation relates to the  
10 subject's employment and, therefore, under the  
11 CBA and General Order, the administrative rights  
12 OIG will be providing Detective March are  
13 appropriate.

14 MR. MCKAY: Consistent with Detective  
15 March's last statement, indeed, Detective March  
16 was here for two days on April 26th and 27th of  
17 this year. His statement spanned what I  
18 estimate to be almost 12 hours.

19 Mr. Neumer, you were here, the court  
20 reporter Michelle Paoletti Yohler was here,  
21 Investigator Kris Brown was here, myself, and  
22 Detective March were here.

23 At that time I had asked whether  
24 Mr. William Marback's letter to the Chicago

1 Police Department command staff dated on  
2 January 4, 2016, requesting a number of items be  
3 provided to the Office of Inspector General, and  
4 at that time no answer was given regarding these  
5 items that were requested, which include 25  
6 separate things.

7 I ask you today, Mr. Neumer, are you  
8 going to be using any items the Office of  
9 Inspector General has received since  
10 Mr. Marback's letter of January 4th, 2016, and  
11 any subsequent letters issued by either  
12 Mr. Marback, you, or any other agent of the  
13 Inspector General and Detective March's  
14 statement here today?

15 MR. NEUMER: So the question is, are we  
16 going to be using any documents we received  
17 since what date was it?

18 MR. MCKAY: January 4, 2016.

19 MR. NEUMER: It's possible. For certain we  
20 will be putting in front of Detective March  
21 the two exhibits or documents that we provided  
22 as part of the Notice of Interview packet.

23 So that will be the Medical Examiner  
24 Investigation Case Report ME 2014-01071, and

1 then the Original Case Incident Report with the  
2 event number 1429315878.

3 So those are the two documents that  
4 we will be certainly showing Detective March  
5 today.

6 MR. MCKAY: We acknowledge receipt of those  
7 two documents, Peter, when you forwarded them to  
8 me late last week. Thank you.

9 My question now is, in addition to  
10 these two documents, do you intend to use or is  
11 it possible you could use any other documents at  
12 this statement today besides these two reports?

13 MR. NEUMER: It is possible.

14 MR. MCKAY: What are they?

15 MR. NEUMER: When we come to appropriate  
16 points in the interview, if documents are  
17 necessary, we'll certainly give you and  
18 Detective March time to review those documents.  
19 But, again, we don't know what we will or won't  
20 need to show.

21 MR. MCKAY: Okay. Late last week when you  
22 advised me of this second interview of Detective  
23 March and provided me the two reports we have  
24 just talked about, I had sent you a request for

1 discovery, essentially where I was asking for  
2 you or your office to provide me with any  
3 statements of any witnesses that indicate that  
4 Detective March was asked to review and approve  
5 Officer Fontaine's report that you have  
6 provided.

7 Do you have any statements that you  
8 can provide me and Detective March here this  
9 morning from other witnesses about  
10 Officer Fontaine's report?

11 MR. NEUMER: So our office has provided  
12 Detective March with all the documents required  
13 by the CBA and applicable law.

14 MR. McKAY: Secondly, I asked you in  
15 writing and I ask you again today on the record,  
16 can you provide me and Detective March with any  
17 rule or General Order from the police department  
18 or any other agency that indicates that a  
19 detective is supposed to review and approve or  
20 disapprove of a report prepared by a district  
21 police officer?

22 MR. NEUMER: Again, our office has provided  
23 Detective March with all the documents required  
24 by the CBA and applicable law.



1 MR. McKAY: Thank you. Can you provide me  
2 with any sworn testimony of Cook County Medical  
3 Examiner's Office Investigator Earl Briggs?

4 MR. NEUMER: Again, our office has provided  
5 Detective March with all the documents  
6 provided -- required by the CBA.

7 MR. McKAY: Can you tell me if Investigator  
8 Earl Briggs has given a statement to the Office  
9 of Inspector General?

10 MR. NEUMER: Again, OIG has provided  
11 Detective March with all the documents and  
12 information required by the CBA.

13 MR. McKAY: Can you tell me whether  
14 Investigator Briggs has not given a statement to  
15 the Office of Inspector General?

16 MR. NEUMER: Again, we've provided  
17 Detective March with all the documents and  
18 information required by the CBA.

19 MR. McKAY: Thank you. Mr. Neumer, can you  
20 tell me -- strike that.

21 Can you provide to me and Detective  
22 March any statements, notes, internal  
23 memorandum, or any other documents generated by  
24 Investigator Earl Briggs of the Cook County

1 Medical Examiner's Office besides the report  
2 that you gave to me and Detective March late  
3 last week?

4 MR. NEUMER: OIG has provided Detective  
5 March with all the documents required by the  
6 CBA.

7 MR. MCKAY: Can you tell me -- because I  
8 can't read it, frankly -- who Earl Briggs'  
9 supervisor was, a signature of which is  
10 contained on Page 4 of this four-page report you  
11 gave to us late last week? Can you tell us who  
12 Mr. Briggs' supervisor is?

13 MR. NEUMER: Again, in terms of documents  
14 and information, we've provided Detective March  
15 with all the documents and information required  
16 by the CBA.

17 MR. MCKAY: And this is one document you  
18 have provided.

19 MR. NEUMER: Mm-hm. Yes.

20 MR. MCKAY: My question is, who is this  
21 person, a signature of which appears above the  
22 supervisor line on Page 4? Who is that? For my  
23 purpose, for my curiosity as well as Detective  
24 March's right to know who his accusers may be,

1 who is this person? I can't read that  
2 signature. Can you?

3 MR. NEUMER: Again, we've provided  
4 Detective March with all the documents and  
5 information required by --

6 MR. McKAY: That doesn't answer my  
7 question, Peter. Who is the supervisor?

8 MR. NEUMER: Right. I mean, the document  
9 speaks for itself. And, beyond that, we've  
10 provided all the -- Detective March all the  
11 documents and information required under the  
12 CBA.

13 MR. McKAY: Are you relying on this  
14 document for your interview of Detective March  
15 today?

16 MR. NEUMER: We will be providing this --  
17 we already provided this document to Detective  
18 March, and we will be asking him questions  
19 regarding this document today.

20 MR. McKAY: So you will be relying on this  
21 document?

22 MR. NEUMER: I mean, relying on -- I know  
23 we will be asking questions about the Medical  
24 Examiner's Case Report today.

1 MR. McKAY: Well, my question is this then,  
2 Peter: If you're going to be asking questions  
3 about this document, yet you refuse to identify  
4 the supervisor of Investigator Briggs, whose  
5 name appears in this document, I ask that you  
6 not ask Detective March anything about this  
7 document if you cannot identify signatures on  
8 this document above and beyond Mr. Briggs'.  
9 That's fair, don't you agree?

10 MR. NEUMER: We're going to be asking  
11 Detective March questions about his knowledge of  
12 this document and what he knows. We're not  
13 going to be asking him to speculate about  
14 anything beyond the document, so our questions  
15 are going to be eminently fair today.

16 MR. McKAY: Well, if it is clear to you,  
17 Ms. Witzburg, or anybody in the Inspector  
18 General's Office that there are errors contained  
19 in Investigator Briggs' report, which you have  
20 tendered, will you or have you or will anybody  
21 in your office report to Patrick Blanchard, the  
22 Inspector General of Cook County, that the  
23 people who generated this report need to be  
24 investigated for incompetence?

1 MR. NEUMER: If we uncover facts that  
2 determine a notification is appropriate,  
3 certainly we would take appropriate action.

4 MR. MCKAY: All right. Fair enough. Can  
5 you provide me with the names of the  
6 complainants besides John Escalante and Sergeant  
7 Soria and their affidavits, assuming they're  
8 civilians and not sworn police officers, that  
9 provide a basis for these new allegations.

10 MR. NEUMER: The Notification of  
11 Allegations that OIG provided to Detective March  
12 fully complies with the CBA and speaks for  
13 itself.

14 MR. MCKAY: Well, if you are basing these  
15 new allegations on Mr. John Escalante's letter  
16 of January 13th, 2016, and Sergeant Soria's memo  
17 of July 15th, 2015, clearly John Escalante's  
18 letter suggests that the investigation he's  
19 asking your office to conduct be consistent with  
20 the Collective Bargaining Agreement, General  
21 Orders, and I submit consistent with Illinois  
22 State Law.

23 Illinois State Law clearly mandates  
24 that if there is a complainant who is not a

1 sworn officer alleging some misconduct on behalf  
2 of any police officer -- in this case, Detective  
3 March -- that complainant's allegations be  
4 supported by affidavit.

5 You have no affidavit to provide me  
6 and Detective March today; is that correct?

7 MR. NEUMER: Again, the Notification of  
8 Allegations speaks for itself and we believe  
9 fully complies with the CBA and applicable law.

10 MR. MCKAY: Your allegations one  
11 through -- strike that -- one and two suggesting  
12 that David March has some type of duty to either  
13 review and approve Dora Fontaine's report or  
14 that he actually assisted her in preparing this  
15 report, I submit to you, John Escalante would  
16 know that that is absolutely not true.

17 So if you are alleging numbers one  
18 and two allegations based on John Escalante's  
19 letter, I would submit to you that is absolutely  
20 inconsistent with John Escalante's knowledge of  
21 Chicago Police Department procedure,  
22 report-writing, and who approves a district  
23 police officer's report.

24 Since I believe in good faith John

1 Escalante would not allege these things, can you  
2 tell me who is?

3 MR. NEUMER: Again, OIG's position is that  
4 the Notice of Allegations complies fully with  
5 the CBA and it speaks for itself.

6 MR. MCKAY: I would submit to you then,  
7 Mr. Neumer, in all due respect to you and  
8 Ms. Witzburg, that without some affidavit of  
9 some civilian complainant alleging this stuff, I  
10 believe in good faith that it is none other than  
11 Mr. Ferguson and your office that is alleging  
12 these things without a good faith basis.

13 With that said, we are objecting to  
14 Joseph Ferguson and his office investigating his  
15 own allegations, and I request again, as we did  
16 back in April, that Mr. Ferguson and his office  
17 recuse themselves from his investigation  
18 because, two reasons: One, it is wrong for him  
19 to investigate his own allegations. That's not  
20 fair.

21 Secondly, we ask that Mr. Ferguson  
22 and his office, with all due respect to the both  
23 of you, that he recuse himself from this  
24 investigation because he's prejudice against

1 Detective March because of his presence on the  
2 Police Accountability Task Force and the report  
3 that that task force submitted before they heard  
4 one sworn word from Detective March in April in  
5 that that report suggests certain findings of  
6 the Laquan McDonald shooting that are completely  
7 inconsistent with what Detective March told you  
8 and Kris Brown on April 26th and April 27th.

9 And Mr. Ferguson should recuse  
10 himself and his agents from any further  
11 investigation of this shooting because of that  
12 report he put his name on along with the  
13 chairperson of the police board, Lori Lightfoot.

14 So will you recuse yourselves and  
15 Mr. Ferguson from this investigation today?

16 MR. NEUMER: OIG is not going to recuse  
17 itself from this investigation, and OIG's  
18 position is that it can and is conducting a fair  
19 and impartial investigation.

20 MR. MCKAY: As you know, Mr. Neumer, two  
21 grievances have been filed in this particular  
22 case, one by Chicago FOP. In fact, that  
23 grievance had been filed before Detective March  
24 gave you sworn testimony on April 26th and



1 April 27th. Since then, a second grievance has  
2 been filed, indeed, by Detective March.

3 We're objecting to this investigation  
4 continuing with those grievances still pending.  
5 No arbitrator has ruled on those grievances, and  
6 the Inspector General has not agreed to continue  
7 this investigation until an arbitrator has ruled  
8 on them.

9 Will you, on behalf of Mr. Ferguson,  
10 stop this investigation and wait for the  
11 arbitrator to rule on these two grievances?

12 MR. NEUMER: OIG is not aware of any court  
13 order enjoining Detective March's interview and,  
14 therefore, having provided the appropriate  
15 Notice of Interview, OIG will proceed with the  
16 interview.

17 MR. MCKAY: Okay. Of the two reports that  
18 you have provided in discovery to Detective  
19 March and myself, you have indicated one is  
20 Investigator Earl Briggs' Medical Examiner  
21 Investigations Case Report.

22 I would like to ask you, Mr. Neumer,  
23 when did you or your office receive Investigator  
24 Briggs' report?

1 MR. NEUMER: Again, OIG has provided  
2 Detective March with all the documents and  
3 information required by the CBA, and, beyond  
4 that, we have a duty of confidentiality.

5 MR. MCKAY: Well, the reason I ask the  
6 question is because Detective March was here for  
7 one full day and half of a second day. If you  
8 did have this report then, Mr. Neumer, why  
9 didn't you ask Detective March about  
10 Investigator Briggs' report then?

11 MR. NEUMER: I guess I'll just say we're  
12 here today and we have relevant questions to ask  
13 today pertaining to our investigation.

14 MR. MCKAY: Well, I appreciate that, but,  
15 Peter, if they're relevant questions today --  
16 and, further, if you had this report back then  
17 in April, weren't they relevant in April and, if  
18 so, why didn't you ask Detective March when you  
19 had him for almost two full days in April about  
20 this report?

21 MR. NEUMER: We can't -- our office can't  
22 provide details regarding timing. I understand  
23 your question and, again, we try and ask all  
24 relevant questions as soon as we can.

1 MR. McKAY: Well, I think timing is  
2 relevant. I think out of fundamental fairness  
3 of the accused -- and you have accused Detective  
4 March, let's make no mistake about that -- out  
5 of fundamental fairness, I think timing is  
6 relevant.

7 And if you had this information and  
8 he was here and cooperated and gave sworn  
9 testimony, why didn't you and Mr. Brown ask him  
10 about Investigator Briggs' report then?

11 MR. NEUMER: Again, we're going to ask  
12 questions today.

13 MR. McKAY: I do know, sir, that regarding  
14 Dora Fontaine's report, you did have it in  
15 April. Indeed, you marked it as your Exhibit  
16 Number 18. For some reason, you chose not to  
17 use it, but you did mark it as Exhibit 18.

18 And I would ask you, Mr. Neumer, why  
19 didn't you ask Detective March about Officer  
20 Dora Fontaine's report on April 26th or  
21 April 27th of this year?

22 MR. NEUMER: And I think, as I said in the  
23 transcript during that interview, we try and ask  
24 all relevant questions, we try and be thorough,

1 and we do our best.

2 MR. McKAY: The Advisement of Rights form  
3 that you have just provided, is this the exact  
4 same form that you provided to Detective March  
5 on April 26th of this year?

6 MR. NEUMER: It should be.

7 MR. McKAY: Well, I am advising Detective  
8 March to refuse to answer your questions today  
9 on July 25th, 2016, without a direct order by  
10 one of his superior officers.

11 Short of a direct order, I believe  
12 Detective March is certainly within his rights,  
13 both the rights under the collective bargaining  
14 agreement, Illinois State Law, and his  
15 Constitution rights not to answer your  
16 questions.

17 Is there going to be a direct order  
18 from some superior officer directing Detective  
19 March to answer these questions?

20 MR. NEUMER: Yes, I will contact Commander  
21 Klimas right now and have him provide Detective  
22 March a direct order.

23 MR. McKAY: Can you spell Commander Klimas'  
24 name for the court reporter.

1 MR. NEUMER: Sure. It is Robert  
2 R-o-b-e-r-t, Klimas K-l-i-m-a-s.

3 MR. McKAY: Thank you.

4 (PHONE RINGING)

5 COMMANDER KLIMAS: Bob Klimas.

6 MR. NEUMER: Bob, this is Peter Neumer. We  
7 are currently in a court-reported interview of  
8 Detective David March. His counsel Jim McKay is  
9 here. My colleague Deborah Witzburg is here.

10 And OIG having provided appropriate  
11 notice to Detective March of this interview is  
12 attempting to ask Detective March questions  
13 regarding the Laquan McDonald shooting. He is  
14 refusing to answer questions absent a command  
15 from his superior officer, so I'm asking you,  
16 Commander Klimas, to order Detective March to  
17 answer the OIG's questions.

18 COMMANDER KLIMAS: This is Commander Robert  
19 Klimas, K-l-i-m-a-s, with the Chicago Police  
20 Department Bureau of Internal Affairs.

21 Detective March, I'm giving you a  
22 direct order to answer all the questions posed  
23 to you today by Peter Neumer or his designees  
24 from the Office of Inspector General, City of

1 Chicago.

2 Do you understand?

3 THE WITNESS: Yes.

4 COMMANDER KLIMAS: Thank you very much.

5 MR. NEUMER: Thanks, Bob.

6 MR. McKAY: Thank you.

7 I'd like to put one more thing on the  
8 record. Peter, last time you and I talked by  
9 telephone, actually it was late last week,  
10 Detective March originally had been notified to  
11 appear on this past Saturday night at 9:00 p.m.

12 You had advised me that the date and  
13 time for Detective March's second statement was  
14 because OIG is required to notify the officer  
15 when he is on duty. You were kind enough to  
16 continue the statement from Saturday night to  
17 this morning, pursuant to my request, actually,  
18 and I appreciate that. Thank you.

19 You also advised me that Detective  
20 March's statement, whenever it was going to be  
21 continued to, needed to be completed by the end  
22 of business hours tomorrow on July 26th. I  
23 asked you then why that is the case and I ask  
24 you again today why is it that Detective March's

1 second sworn statement needs to be today or  
2 tomorrow at the latest?

3 MR. NEUMER: I mean, OIG has a duty of  
4 confidentiality, so the details regarding our  
5 investigation I can't provide any further  
6 information.

7 MR. MCKAY: Well, your statement to me over  
8 the phone infers that time is of the essence. I  
9 think that Detective March has the right to know  
10 why, in the OIG's mind, time is of the essence.

11 MR. NEUMER: I think time is of the essence  
12 for every investigation and probably in  
13 particular this investigation.

14 MR. MCKAY: If time was of the essence in  
15 April when you, at the very least had Officer  
16 Dora Fontaine's report, why didn't you ask  
17 Detective March about Officer Fontaine's report  
18 at that time?

19 And I submit if you had Earl Briggs'  
20 report from the Medical Examiner's Office at  
21 that time, why didn't you ask Detective March  
22 about that as well if truly time is of the  
23 essence in this investigation?

24 MR. NEUMER: We do try to ask all relevant

1 questions and be as thorough as possible.

2 MR. MCKAY: With all due respect, Peter,  
3 and I understand you and Ms. Witzburg have a job  
4 to do, and I appreciate the job you are both  
5 doing along with Kristopher Brown, but frankly,  
6 with all due respect, none of your answers today  
7 to my questions were responsive to my questions,  
8 and I object to that in addition to all my other  
9 objections. Thank you.

10 MR. NEUMER: So we were going through our  
11 preamble prior to the objections being placed on  
12 the record. So at this time I'd ask that the  
13 court reporter swear Detective March in.

14 (WHEREUPON, the witness was duly sworn.)

15 MR. NEUMER: I'm going to go through the  
16 Advisement of Rights form with you, Detective  
17 March. Again, I'm going to ask you to read  
18 along with me as I go through this advisement,  
19 and I'll ask you after each paragraph to  
20 acknowledge you have read the paragraph I just  
21 read aloud to you.

22 "I, Detective David March, understand  
23 that I am being interviewed by Peter Neumer and  
24 Deborah Witzburg from the City of Chicago Office



1 of Inspector General. I understand that this  
2 interview is part of an official investigation  
3 and that I have a duty to cooperate with the  
4 Office of Inspector General, which includes  
5 answering all questions completely and  
6 truthfully."

7 Detective March, do you see the  
8 paragraph I just read aloud to you?

9 THE WITNESS: Yes.

10 MR. NEUMER: "I understand that I have no  
11 right to remain silent. I understand that I  
12 have an obligation to answer questions put to me  
13 truthfully. I understand if I refuse to answer  
14 questions put to me, I will be ordered by a  
15 superior officer to answer the question. I  
16 further understand and I have been advised that  
17 if I persist in my refusal to answer after an  
18 order to do so, such further refusal constitutes  
19 a violation of the rules and regulations of the  
20 Chicago Police Department and may serve as the  
21 basis for my discharge."

22 Detective March, do you see the  
23 paragraph I just read aloud to you?

24 THE WITNESS: Yes.

1 MR. NEUMER: "I understand and have been  
2 advised that my statements and responses may  
3 constitute an official police report. I  
4 understand that Rule 14 of the Chicago Police  
5 Department's rules and regulations prohibits  
6 making a false report, written or oral, and I  
7 further understand that making such a false  
8 report, whether written or oral, may result in  
9 my separation from the Chicago Police  
10 Department."

11 Detective March, do you see the  
12 paragraph I just read aloud to you?

13 THE WITNESS: Yes.

14 MR. NEUMER: "I understand that any  
15 statement made by me during this interview may  
16 be used as evidence of misconduct or as the  
17 basis for disciplinary action up to and  
18 including removal or discharge."

19 Detective March, do you see the  
20 paragraph I just read aloud to you?

21 THE WITNESS: Yes.

22 MR. NEUMER: "I understand that any  
23 statement made by me during this interview and  
24 the fruits thereof cannot be used against me in

1 a criminal proceeding."

2 Detective March, do you see the  
3 paragraph I just read aloud you to?

4 THE WITNESS: Yes.

5 MR. NEUMER: "I understand that I have the  
6 right to have a union representative or legal  
7 counsel of my choosing present at the interview  
8 to consult with and that I will be given a  
9 reasonable time to obtain a union representative  
10 or legal counsel as long as the interview is not  
11 unduly delayed."

12 Detective March, do you see the  
13 paragraph I just read aloud to you?

14 THE WITNESS: Yes.

15 MR. NEUMER: "I understand that a refusal  
16 to answer any question or any false, inaccurate,  
17 or deliberately incomplete statement by me would  
18 constitute a violation of Chicago Municipal  
19 Ordinance 2-56 and may serve as the basis for my  
20 discharge."

21 Detective March, do you see the  
22 paragraph I just read aloud to you?

23 THE WITNESS: Yes.

24 MR. NEUMER: "I acknowledge that this

1 statement of my administrative rights has been  
2 read aloud to me and I have been allowed to  
3 review this document."

4 Detective March, do you see the  
5 paragraph I just read aloud to you?

6 THE WITNESS: Yes.

7 MR. NEUMER: At this time I would ask that  
8 you sign the Advisement of Rights form, and my  
9 colleague and I will witness.

10 I'm now going to put several exhibits  
11 on the record and present them to Detective  
12 March to confirm his receipt of the exhibits.

13 EXAMINATION

14 BY MR. NEUMER:

15 Q. First I am going to be handing you  
16 what is titled Notification of Interview to CPD  
17 member. This is marked as Exhibit 2.

18 (WHEREUPON, a certain document was marked  
19 March Deposition Exhibit No. 2, for  
20 identification, as of 07/25/2016.)

21 BY MR. NEUMER:

22 Q. This Notification of Interview is  
23 dated July 20th, 2016. Detective March, have  
24 you seen this Notification of Interview document

1 prior to today?

2 A. Yes.

3 Q. And did BIA provide you with this  
4 document on or about July 20th, 2016?

5 A. Yes.

6 Q. And is that your signature at the  
7 bottom of the page of Exhibit 2?

8 A. Yes.

9 Q. I am now going to --

10 MR. MCKAY: Can I retain these exhibits for  
11 my file?

12 MR. NEUMER: No. No. We always keep them.  
13 You'll get these when you get the transcript.

14 BY MR. NEUMER:

15 Q. I'm now handing you what is titled  
16 Notification of Allegations. This is marked as  
17 Exhibit 3.

18 (WHEREUPON, a certain document was marked  
19 March Deposition Exhibit No. 3, for  
20 identification, as of 07/25/2016.)

21 BY MR. NEUMER:

22 Q. Detective March, have you seen this  
23 Notification of Allegations prior to today?

24 A. Yes.

1 Q. And did BIA provide you with this  
2 Exhibit 3, Notification of Allegations, on or  
3 about July 20, 2016?

4 A. Yes.

5 Q. And is that your signature at the  
6 bottom of Page 1 of the Notification of  
7 Allegations?

8 A. Yes.

9 Q. I am now going to hand you what has  
10 previously been marked as Exhibit 4 titled  
11 Receipt Form.

12 (WHEREUPON, a certain document was marked  
13 March Deposition Exhibit No. 4, for  
14 identification, as of 07/25/2016.)

15 BY MR. NEUMER:

16 Q. Detective March, have you seen this  
17 Receipt Form prior to today?

18 A. Yes.

19 Q. And did BIA provide you with this  
20 Receipt Form on or about July 20th, 2016?

21 A. Yes.

22 Q. And is that your signature at the  
23 bottom of the Receipt Form?

24 A. Yes.

1 Q. And I am now going to be handing you  
2 what has previously been marked as Exhibit 5.

3 (WHEREUPON, a certain document was marked  
4 March Deposition Exhibit No. 5, for  
5 identification, as of 07/25/2016.)

6 BY MR. NEUMER:

7 Q. This is a Medical Examiner  
8 Investigations Case Report ME2014-01071 dated  
9 October 21st, 2014.

10 Have you seen this document,  
11 Detective March, prior to today?

12 A. Yes.

13 Q. And did BIA provide you with this  
14 Case Report on or about July 20th, 2016?

15 A. Yes.

16 Q. And I'm now going to be handing you  
17 what has previously been marked Exhibit 6. This  
18 is an Original Case Incident Report with the  
19 RD number HX475653 and the event  
20 number 1429315878, case ID 9825613.

21 (WHEREUPON, a certain document was marked  
22 March Deposition Exhibit No. 6, for  
23 identification, as of 07/25/2016.)  
24

1 BY MR. NEUMER:

2 Q. Detective March, have you seen this  
3 Exhibit 6 Original Case Incident Report prior to  
4 today?

5 A. Yes.

6 Q. And did BIA provide you with this  
7 document on or about July 20th, 2016?

8 A. Yes.

9 MR. McKAY: Peter is this report -- you're  
10 marking this as Exhibit 6?

11 MR. NEUMER: Yes.

12 MR. McKAY: You are not going to keep it  
13 Exhibit 18, which is what it was marked by you  
14 on April 26th?

15 MR. NEUMER: Right, we are going to call it  
16 Exhibit 6. I think that will be easier for  
17 today's purposes to call it Exhibit 6 for the  
18 July 25th. But, again --

19 MR. McKAY: But you'll agree it was your  
20 Exhibit 18 back in April?

21 MR. NEUMER: Right, I don't remember if it  
22 was -- if you represent 18, I certainly -- I  
23 don't dispute that.

24 MR. McKAY: All right.



1 BY MR. NEUMER:

2 Q. Detective March, did you review any  
3 materials in preparation for today's interview?

4 A. Yes.

5 Q. And what materials did you review?

6 A. The documents that I received from  
7 Internal Affairs on last Wednesday and then I  
8 also reviewed several reports from the  
9 investigative file.

10 Q. Do you remember which reports you  
11 reviewed?

12 A. I believe they were all reports that  
13 I authored that we talked about previously.

14 Q. Okay. In our April 26th and 27th  
15 interview?

16 A. Yes.

17 Q. Did you review any video in  
18 preparation for this interview?

19 A. No.

20 Q. Aside from your attorney, who did you  
21 speak to in preparation for this interview?

22 A. No one.

23 MR. NEUMER: And then before we get started  
24 with our questions, I just want to confirm, Jim,

1 are you okay with OIG providing you with a copy  
2 of the transcript of today's interview within  
3 48 hours of the OIG's receipt of that  
4 transcript?

5 MR. McKAY: I have no objection to  
6 employing the same procedure of receiving the  
7 transcript as the previous transcript in April.

8 I understand -- if you get the  
9 transcript on a Friday, you can't get it to me  
10 that same day, but I ask that if the court  
11 reporter can provide me with the transcript on,  
12 say, a Tuesday or Wednesday, I'd like it the  
13 same day you guys get it.

14 I am relying on you suggesting that  
15 the statement should not be more than about an  
16 hour. I don't think it would take that long to  
17 copy that statement or make a copy of a disk if  
18 that's how Ms. Paoletti Yohler is going to  
19 provide the transcript to you.

20 MR. NEUMER: And, just for the record, I  
21 think my representation was that OIG's portion  
22 of the questioning would take an hour. And  
23 we're now, I think, going to --

24 MR. McKAY: That's fine. I have no

1 objection consistent with the last statement in  
2 April.

3 MR. NEUMER: And, Jim, we'll work with you  
4 to get you it in a very, very reasonable time.

5 BY MR. NEUMER:

6 Q. Detective March, could you please  
7 state your name, star number for the record.

8 MR. McKAY: Detective March has something  
9 to say.

10 BY THE WITNESS:

11 A. Upon advice of counsel, I am refusing  
12 to answer any questions without the direct order  
13 of a superior officer.

14 I would like to preface this  
15 statement with the following: I believe I am  
16 entitled to be informed of my Constitutional  
17 right to remain silent. I have received no  
18 assurances from the Office of Inspector General  
19 that criminal charges are probable. Proceeding  
20 with this statement is in violation of the  
21 applicable Collective Bargaining Agreement, but  
22 I have been advised that I will lose my job if I  
23 refuse to provide a statement.

24 I am not giving this statement

1 voluntarily but only because I am required to do  
2 so by a direct order of Commander Robert Klimas.

3 I know that if I refuse to  
4 participate in this interview or refuse to  
5 answer certain questions, I can be disciplined  
6 or even fired; therefore, this statement is  
7 being compelled.

8 I am asserting all of my rights under  
9 the Supreme Court case of Garrity versus  
10 New Jersey, and I am specifically objecting to  
11 any sharing or disclosure of this statement or  
12 its contents with any prosecutor's office, such  
13 as the Cook County State's Attorney's Office or  
14 the United States Attorney's Office.

15 I also object to the sharing or  
16 disclosure of this statement or its contents  
17 directly or indirectly with anybody else  
18 including but not limited to any other federal,  
19 state, or city agency, any special prosecutor  
20 and his agents, and the media.

21 I object that this second interview  
22 is taking place. I was here for two days on  
23 April 26th and April 27th and gave honest  
24 answers to all of your questions.

1 Further, I object that this interview  
2 is taking place before an arbitrator has decided  
3 the issues that were raised in a grievance filed  
4 by me and another grievance filed by Chicago FOP  
5 regarding this investigation. The Inspector  
6 General has refused to postpone this  
7 investigation.

8 Also on the advice of counsel, I am  
9 making the following additional objection: I am  
10 objecting to the fact that the City of Chicago  
11 Inspector General's Office has refused to  
12 identify all of my complainants if they exist.

13 Under city ordinance, Collective  
14 Bargaining Agreements, and my due process  
15 rights, I am entitled to notice of the nature of  
16 the allegations against me and the identity of  
17 all complainants prior to any interview.

18 The Inspector General's Office has  
19 only advised me that Interim Superintendent  
20 John J. Escalante and, to a lesser degree,  
21 Sergeant S. Soria are the only complainants  
22 against me. This can't possibly be true because  
23 Escalante's letter to the Inspector General  
24 dated January 13, 2016, does not specifically

1 allege or even suspect me of any misconduct.

2 Further, the letter refers to  
3 Sergeant Soria's memo of July 15th, 2015, which  
4 only alleges inattention to duty because of  
5 possible tampering with in-car camera mics and  
6 improper use of equipment, none of which applies  
7 to me, a detective assigned to investigate this  
8 police shooting.

9 I am left to wonder who is the source  
10 of the allegations now pending against me. I  
11 shouldn't have to do this because I have a right  
12 to know and confront my accusers.

13 The Inspector General's Office is  
14 violating my rights of due process by not  
15 specifically informing me of the person or  
16 persons making these specific allegations. As  
17 such, I can only assume the true complainant is  
18 the City of Chicago's Inspector General.

19 I am entitled to an affidavit of any  
20 complainant who is not a sworn officer. I have  
21 not received one in this case.

22 I am not waiving the requirement of  
23 an affidavit, therefore, I am objecting to the  
24 City of Chicago Inspector General's Office

1 making allegations against me and conducting an  
2 investigation into its own allegations.

3 Finally, I am objecting to the  
4 Inspector General's Office conducting any  
5 investigation of this shooting because the  
6 Inspector General of Chicago is prejudiced  
7 against me. This prejudice is evidenced by his  
8 participation on the Police Accountability Task  
9 Force and their report released April 13, 2016.

10 This report includes findings made  
11 without the benefit of hearing my sworn  
12 testimony, considering all of the evidence in  
13 this case, and considering all of the applicable  
14 law in this case.

15 The Inspector General has prejudged  
16 this case; as such, he and his agents cannot be  
17 fair, impartial, and independent investigators  
18 in this matter. This objection also applies to  
19 Lori E. Lightfoot, president of the Chicago  
20 Police Board, who served as the chair of the  
21 Police Accountability Task Force.

22 Thank you.

23 BY MR. NEUMER:

24 Q. Detective March, I want to first put

1 in front of you, Medical Examiner Investigations  
2 Case Report ME2014-01071.

3 I don't think we ever got your name  
4 and star number for the record, so if we could  
5 start there.

6 A. My name is Detective David March. My  
7 star number is 20563.

8 Q. And what is your current unit of  
9 assignment?

10 A. I'm assigned to the Bureau of  
11 Detectives, Area Central.

12 Q. Again, we want to ask you a few  
13 questions about the Medical Examiner  
14 Investigations Case Report ME2014-01071.

15 From your perspective, what is a  
16 Medical Examiner Case Report?

17 MR. MCKAY: Objection, that calls for  
18 speculation. You're asking him to guess about  
19 some other agency, not even in the City of  
20 Chicago, and their reports.

21 MR. NEUMER: Let me reword the question.

22 BY MR. NEUMER:

23 Q. Based on your experience as a  
24 detective, what is a Medical Examiner Case



1 Report?

2 MR. MCKAY: Same objection.

3 BY THE WITNESS:

4 A. I cannot specifically speak to  
5 exactly what this is. In 34 years at the  
6 Chicago Police Department, all of that time  
7 working within the County of Cook, I have never  
8 seen a report like this.

9 BY MR. NEUMER:

10 Q. Okay.

11 A. I can only assume after reading this  
12 report that this document was created as a  
13 result of a quick telephone notification that I  
14 made to the Office of the Medical Examiner of  
15 Cook County. It was not the subject of any kind  
16 of investigation or in-depth interview of me by  
17 anyone.

18 Q. Do you have any understanding as to  
19 what the purpose of a Medical Examiner  
20 Investigations Case Report?

21 A. Again, I can only assume from reading  
22 it that it is meant to document my notification  
23 of their office that the Chicago Police  
24 Department was involved in a Medical Examiner's

1 Report.

2 We have to notify them any time we  
3 are dealing with any kind of death that is  
4 potentially a Medical Examiner's case, whether  
5 it be a natural death, suicide, homicide,  
6 whatever.

7 Q. So have you had communications with  
8 Cook County investigators prior to October 20th,  
9 2014, regarding homicides or death  
10 investigations?

11 A. Yes.

12 Q. Do you have any estimate as to how  
13 many times you've communicated with Cook County  
14 investigators or Cook County personnel regarding  
15 homicides or death investigations?

16 A. I have no idea, but it was a large  
17 number of contacts.

18 Q. Maybe over 50?

19 A. Well over 50.

20 Q. Well over 50. Okay. Have you ever  
21 seen a Medical Examiner Investigations Case  
22 Report prior to today?

23 A. I first saw this report last  
24 Wednesday when it was presented to me by our

1 Internal Affairs Division. Prior to that day, I  
2 have never seen this type of report.

3 I have been involved in the  
4 prosecution of numerous homicide cases, murder  
5 cases in the criminal court system of Cook  
6 County, and I have seen the Medical Examiner's  
7 protocol documenting their results of their  
8 autopsy. I have seen toxicological reports  
9 presented by outside laboratories that do work  
10 for the Medical Examiner's Office. I have never  
11 in my life seen this type of report. I didn't  
12 even know they existed.

13 Q. Okay. When you were communicating  
14 with Cook County personnel on previous homicide  
15 or death investigations, were you providing --  
16 what type of information were you providing to  
17 the Cook County personnel?

18 A. I'm assuming -- again, I don't  
19 know -- the only requirement on us as the  
20 Chicago Police Department is to notify them when  
21 we come across a potential Medical Examiner's  
22 case.

23 When I call, my purpose is just to  
24 let them know that there is a Medical Examiner's

1 case. The information that they solicit from  
2 me, I don't know if there's a checklist that  
3 they go down and -- I have no idea how that  
4 comes to be.

5 Q. I got you. So, generally speaking,  
6 what type of information do you provide as part  
7 of that initial notification?

8 A. Again, these notifications are made  
9 very early on in the investigation. A lot of  
10 information that they ask for we may not have at  
11 the time, so obviously if we don't have  
12 information, we can't provide information.

13 So based on what we do know at the  
14 time of the notification, they will ask us  
15 things like the date and time that we discovered  
16 the body, the location, the identification --  
17 the identity of the dead body if we know it.

18 And they ask us for a brief summary  
19 of the circumstances under which we became aware  
20 of the -- that there was a dead body.

21 Q. Sure. And I don't want you to  
22 speculate. Do you have any understanding of  
23 what the Cook County Medical Examiner's Office  
24 does with that information?

1 A. No.

2 Q. Do you have any understanding as to  
3 why the Cook County Medical Examiner's Office is  
4 obtaining that information from you, the  
5 detective?

6 MR. MCKAY: Again, objection, calls for  
7 speculation.

8 BY THE WITNESS:

9 A. One reason would be, like I said, we  
10 are required to notify them of any potential  
11 Medical Examiner's cases. There are many times  
12 when we will notify them of the case and their  
13 investigator will tell us, "Okay, that's not a  
14 case that we're going to deal with, so the body  
15 doesn't have to end up here."

16 A case like that would be a natural  
17 death where the victim died of a medical  
18 condition that they were being treated for  
19 chronically and there was an attending  
20 physician.

21 If we present facts that indicate  
22 that that is the case, in those cases, the  
23 Medical Examiner will not take the case, so to  
24 speak, and they -- because in those cases, the

1 attending physician will issue the death  
2 certificate, and the Medical Examiner's Office  
3 really has no need to be involved in the case.

4 Any other cases where there's any --  
5 and, again, these are their standards and it's  
6 their decision where they think there might be  
7 suspicious circumstances or potential for  
8 suspicious circumstances. If it looks like it's  
9 an overdose with no signs of violence, then  
10 obviously they're going to have to conduct a  
11 toxicology exam to confirm whether or not the  
12 cause of death was drugs.

13 So, again, the criteria is theirs,  
14 and all we do is we notify them of what we know  
15 at the time and they tell us whether or not  
16 they're going to take the case and if they want  
17 us to make sure the body ultimately comes to  
18 their facility or can be released to the family  
19 by a hospital or doctor or whatever.

20 Q. And do you have any understanding  
21 whether the ultimate postmortem examination  
22 report relies at all upon the Exhibit 5 report  
23 I've put in front of you?

24 MR. MCKAY: Again, that calls for

1 speculation. I object. He cannot guess about  
2 another agency's use of this report or what, if  
3 any, other people in that agency relied on.

4 BY THE WITNESS:

5 A. Again, I don't know.

6 BY MR. NEUMER:

7 Q. Specifically now with respect to the  
8 Exhibit 5 report, on the evening of  
9 October 20th, 2014, did you have any  
10 communication with the Cook County Medical  
11 Examiner's Office regarding the McDonald  
12 shooting?

13 A. Yes.

14 Q. Can you walk us through that  
15 communication. Where were you when you had that  
16 communication with the ME's Office?

17 A. I was at the crime scene on Pulaski  
18 Road. We had assisting detectives that had  
19 responded to Mount Sinai Hospital where Laquan  
20 McDonald had been transported for treatment of  
21 his injuries.

22 I believe that the sequence in which  
23 this happened was that the detectives at the  
24 hospital were present or learned that Laquan

1 McDonald had been pronounced deceased by the  
2 attending physician there.

3           They -- again, I believe they then  
4 informed Sergeant Gallagher, who was the  
5 detective supervisor in charge of the scene,  
6 that Laquan McDonald was deceased, and then  
7 Sergeant Gallagher notified me of the same since  
8 the case had been assigned to me.

9           Upon learning that, as I commonly do  
10 on cases where I think I might have more  
11 information than the initial primary beat car  
12 assigned to the case, rather than have them  
13 asking me all this information so they can  
14 present it to the Medical Examiner's Office, I  
15 will call the Medical Examiner's Office because,  
16 again, at that point I feel I had the most  
17 information in one place, so to speak.

18           So I called the Medical Examiner's  
19 Office from the scene and spoke with  
20 Investigator Briggs to make this notification.

21           **Q.     The detectives who were at the**  
22 **hospital, do you recall their names?**

23           A.     I don't. I'd have to look at the  
24 reports, the file.



1 Q. And did you use -- we had a  
2 discussion I think during our last interview  
3 about use of phone. Was it your personal cell  
4 phone that you used to call the ME's Office?

5 A. It's the only phone I have. Like I  
6 told you before, the Department does not supply  
7 me with a phone. And in this day and age, there  
8 were no pay phones near the scene, so it was the  
9 only way to make a timely notification.

10 Q. On Page 1 of the Case Report, it  
11 lists under the Notification section date,  
12 October 20th, 2014; time, 11:51:59 p.m. Does  
13 that time accord with your belief as to when  
14 that call between you and Investigator Briggs  
15 occurred?

16 A. I have no personal knowledge at this  
17 date of exactly when that telephone call was  
18 made by me to the Office of the Medical  
19 Examiner, but that time does seem to be accurate  
20 to me.

21 Q. Okay. And so you call Investigator  
22 Briggs from the scene, and what did you tell  
23 him?

24 A. At first I told him that, probably --

1 again, this is not word for word. I don't  
2 recall exactly what information was discussed in  
3 what order, but I probably -- my first statement  
4 to him probably was that I was making a  
5 notification of a police officer-involved  
6 shooting and that there obviously was a dead  
7 body.

8 Q. Is there just one number that CPD is  
9 to call or detectives are to call for the  
10 Medical Examiner's Office?

11 A. Their office has a number of numbers.  
12 There is one number that -- I mean, officers  
13 will use whatever number -- I can't speak to  
14 what other number officers use, and I'm assuming  
15 that officers use whatever number they're used  
16 to getting an answer at.

17 Q. Right.

18 A. I know at that late time, there's one  
19 number that is at least supposed to be answered  
20 24 hours a day. Sometimes it doesn't happen,  
21 but I call the -- I have that number programmed  
22 into my cell phone, and I called that number  
23 because, like I said, I have made these  
24 notifications on numerous occasions.

1 Q. Did you know or have any sort of  
2 working relationship with Investigator Briggs  
3 prior to your phone call on October 20th, 2014?

4 A. I know I have come across the name  
5 before. I can't specifically say that I've ever  
6 talked to him on the telephone before. It may  
7 have been that I read reports with his name on  
8 it.

9 I was aware that there was an  
10 investigator at the Office of the Medical  
11 Examiner by the name of Briggs. I -- again, I  
12 can't say whether or not I've ever spoken to him  
13 before October 20th, 2014, and I don't believe I  
14 have ever met him in person. If he was sitting  
15 across the table from me today, I'd have no idea  
16 if that was him.

17 Q. Is it fair to say that when you  
18 placed the call on the night of October 20th,  
19 2014, that you weren't calling Briggs  
20 specifically?

21 A. No, absolutely not.

22 Q. It was more of a general hotline or  
23 something --

24 A. I have no idea --

1 Q. -- calling?

2 A. -- working there at the time. Again,  
3 I was fulfilling our requirements to notify the  
4 office, not any specific person.

5 Q. Okay. At the time you spoke with  
6 Investigator Briggs, do you recall whether you  
7 had seen video footage of the McDonald shooting?

8 A. I can't say for certain. I believe I  
9 probably have seen -- had seen by that time the  
10 infamous dash cam video, if you will. But I  
11 certainly had not seen all of the video that we  
12 recovered. And, again, I'm not certain, but I  
13 believe I did see that footage prior to my call  
14 to Briggs.

15 Q. And I believe that's the 813 Robert  
16 video you're referring to.

17 A. Correct.

18 Q. I'm going to ask you to look at  
19 Page 3 of the Case Report. And, in particular,  
20 the paragraph that begins, "Detective March  
21 related the following." That's the second full  
22 paragraph in the narrative section.

23 So I want you to take a moment or  
24 take as much time as you need to review that

1 paragraph, and then my question to you after  
2 you've had a chance to read through that is  
3 whether that paragraph accurately reflects a  
4 statement you made to Briggs on October 20th,  
5 2014?

6 A. That paragraph absolutely does not  
7 accurately reflect the facts that I related to  
8 Investigator Briggs.

9 Q. Okay. And let's go line by line. I  
10 want you to -- I'm going to ask you two  
11 questions regarding each sentence in that  
12 paragraph: One, whether you made that statement  
13 to Investigator Briggs on the night of  
14 October 20th, 2014, and then, two, whether that  
15 statement is accurate, okay? So whether you  
16 said it to him or not, whether it's accurate.  
17 So we'll --

18 A. I can maybe -- I don't know if this  
19 saves any time or not. I can tell you, having  
20 read that report, that none of those statements  
21 are verbatim statements by me to Investigator  
22 Briggs.

23 The first statement, for example, has  
24 a date and a time and a beat car. That

1 information was transmitted but not in one  
2 sentence that said all of that. He would ask me  
3 what time the incident occurred; I would provide  
4 him with a time. He asked me when it occurred,  
5 what date, what address, like that.

6 This is not anywhere near the  
7 verbatim statements that I made to him over the  
8 telephone.

9 Q. Okay. And we're just going to break  
10 it down here --

11 A. And, again, I might want to stress, I  
12 did not speak in a paragraph like this. This  
13 was all he would ask me a question, I would  
14 provide him an answer.

15 Q. Okay. So that's how -- well, maybe  
16 we'll take a step back again to maybe --

17 A. We can certainly go to whether each  
18 individual fact listed there is accurate, but I  
19 can tell you categorically the entire paragraph  
20 is not my statement, and none of those sentences  
21 were said by me in that manner.

22 Q. Okay.

23 MR. MCKAY: Can I ask you a question? Can  
24 you tell me whether or not this telephone

1 conversation you are about to ask Detective  
2 March about, was it recorded in any fashion by  
3 Investigator Briggs or anybody from the Cook  
4 County Medical Examiner's Office?

5 MR. NEUMER: Yeah, what I would say in  
6 response to that is, there's a duty of  
7 confidentiality. And, again, the materials that  
8 OIG has provided today, OIG has provided all  
9 materials, all information required by the CBA.

10 MR. MCKAY: Well, there's no duty of  
11 confidentiality if it's a recording of the  
12 accused's statement.

13 The Collective Bargaining Agreement  
14 clearly mandates that you, IPRA, Internal  
15 Affairs, whatever agency is investigating a  
16 Chicago police officer has a duty to give the  
17 officer a recording such as a video or an audio  
18 before you ask him questions of it.

19 If you got it, I demand that you give  
20 a copy of that statement to Detective March now  
21 before any question continues.

22 MR. NEUMER: And what I would say in  
23 response is, OIG complies with all applicable  
24 laws.

1 MR. MCKAY: And I'll take that to mean that  
2 you don't have any recorded statement of  
3 Detective March by Investigator Briggs or any  
4 agent of the Cook County Medical Examiner's  
5 Office.

6 MR. NEUMER: I'll let you draw whatever  
7 inferences you'd like, and I'll just say that we  
8 comply with all applicable laws, and we are  
9 conducting this interview today in accordance  
10 with all applicable laws.

11 MR. MCKAY: Okay. Well, with that said,  
12 then since you placed this gentleman under oath,  
13 if you have a recording that suggests anything  
14 inconsistent with what Detective March has  
15 previously testified about in April and, more  
16 importantly, what he has also generated himself,  
17 the reports he created, if you have a recording,  
18 please give that to him now. He has a right to  
19 it.

20 And I'm going to ask that he not  
21 answer any of your questions unless you're going  
22 to tell him that criminal charges of perjury or  
23 any other crimes are probable. And if that's  
24 the case, you now have a right to Mirandize him



1 pursuant to the Collective Bargaining Agreement,  
2 Illinois State Law, and the United States  
3 Constitution.

4 MR. NEUMER: Yeah, I mean, as we discussed  
5 previously this is an administrative  
6 investigation. This is not a criminal  
7 investigation. We're not partnered with any  
8 other bodies on this investigation, so Miranda  
9 simply doesn't apply here.

10 MR. MCKAY: All right. My objection is on  
11 the record.

12 Further, if there was a recording,  
13 Peter, even if you don't know about it but if  
14 there was a recording by Mr. Briggs or anybody  
15 from the Cook County Medical Examiner's Office  
16 without the consent of Detective March, I would  
17 submit that's a violation of the Illinois  
18 Eavesdropping Statute, which is a Class III  
19 felony.

20 If you've got it, or, further, if you  
21 don't have it but somewhere down the road you do  
22 get it, I'm moving to strike whatever Detective  
23 March is saying consistent with the order by  
24 Commander Klimas, and, further, I'm going to be

1 asking you to refer Mr. Briggs or anybody from  
2 the ME's Office to the Cook County State's  
3 Attorney's Office for an investigation on an  
4 eavesdropping violation.

5 Thank you.

6 MR. NEUMER: Okay.

7 BY MR. NEUMER:

8 Q. Detective March, I think we were  
9 going to take a step back a little bit. You  
10 were giving us some information regarding how  
11 this conversation occurred, and I think  
12 obviously you placed the call to the ME's  
13 Office; is that correct?

14 A. Correct.

15 Q. And then you made a notification --  
16 or you notified, again in this case it was  
17 Investigator Briggs, that there was a death or a  
18 homicide?

19 A. Yes.

20 Q. Do you recall -- I mean, is there  
21 sort of like a boilerplate language, or do you  
22 just -- what do you tell the ME's Office when  
23 you notify them?

24 A. I think I just told you that I don't

1 know the exact words that I used, but I  
2 explained to him that I was calling him to  
3 notify him of a police officer-involved shooting  
4 incident where the person who had been shot by  
5 the officer had been pronounced deceased.

6 Q. And then following that exchange, did  
7 Investigator Briggs proceed to ask you a series  
8 of questions?

9 A. Yes.

10 Q. Okay. And did you provide  
11 information in response to his questions?

12 A. Yes.

13 Q. Did you offer any information without  
14 it being prompted by a question from  
15 Investigator Briggs?

16 A. Not that I recall.

17 Q. So is it fair to say that he was  
18 conducting an interview of you?

19 A. I don't know that we would -- that I  
20 would characterize it as an interview because  
21 there was -- number one, at that point in time  
22 in the investigation, I knew that I did not know  
23 all of the facts of the investigation. So --

24 Q. Let --

1           A.     -- I was not in a position to give  
2     any totally completely informed statement on  
3     anything.

4                     So, like I said, to the best of my  
5     knowledge, like I said, maybe he's got a  
6     checklist that he goes through and he's asking  
7     me to fill in the blanks of his checklist.

8           Q.     Let me take away the characterization  
9     of interview. Is it fair to say he was asking  
10    you questions and you were providing him  
11    information in response to his questions?

12          A.     Yes.

13          Q.     Okay. I want to go back to the  
14    second paragraph of the narrative. And I want  
15    to go line by line again and -- and, again, it  
16    will be two questions: Whether you related the  
17    information in the sentence to Investigator  
18    Briggs on the night of October 20th, 2014, and  
19    then the second question will be whether it is  
20    accurate.

21                     So the first sentence is, "Detective  
22    March related the following: On or about  
23    2156 hours 19 October, 2014, Chicago Police  
24    8th District beat car 815 Robert responded to

1 41st and Kildare in reference to a "citizen  
2 holding a subject".

3 So let me first ask you, Detective  
4 March, did you relate the information that is in  
5 that first sentence to Investigator Briggs  
6 during your phone call on October 20th, 2014?

7 A. Again, not in those exact words, but  
8 most of the information in that first sentence  
9 is accurate except for the date of occurrence  
10 where he documented that I said or I related  
11 that the incident occurred on 19 October 2014.

12 The telephone call notification that  
13 I made to him was made on 20 October 2014 from  
14 the scene of the incident, and there is no way  
15 that I said that night or any time during the  
16 following almost two years now that I've been  
17 talking about this incident, there is no way  
18 that I referred to this incident as occurring on  
19 the 19th of October.

20 Q. Is it fair to say that you, at some  
21 point during your conversation with Investigator  
22 Briggs, told him that an 8th District beat car,  
23 815 Robert, responded to 41st and Kildare in  
24 reference to a citizen holding a subject?

1           A.     I would have told him something along  
2     the lines of some Chicago police officers  
3     responded to a call of someone holding a subject  
4     for the police at 41st and Kildare.

5                     Again, I'm trying to guess here  
6     because I don't recall exactly the words that  
7     were used. I assume he asked me probably what  
8     beat was involved and I told him 815 Robert, and  
9     I'm assuming that him knowing the -- some of the  
10    workings and especially the numbering system of  
11    the beats and the Chicago Police Department, I  
12    think he correctly assumed that 815 Robert was  
13    an 8th District beat car. I don't remember  
14    telling him it was an 8th District beat car. I  
15    think he just assumed that from the beat number.

16           Q.     Next sentence, "Upon arrival, Beat  
17    815 Robert was confronted by the subject who  
18    threatened the officers with a four-inch fold  
19    knife."

20                     Do you recall relating the  
21    information in that second sentence to  
22    Investigator Briggs on the night of  
23    October 20th, 2014, during your phone call with  
24    him?

1           A.       As I just indicated, I would have  
2   told him that Beat 815 Robert responded to this  
3   assignment. The rest of that sentence is a  
4   complete misrepresentation of what I told him  
5   that night.

6 And, again, in dealing with this  
7 incident for almost two years now, I have never  
8 characterized what happened between Laquan  
9 McDonald and the officers assigned to 815 Robert  
10 as 815 Robert was confronted by the subject who  
11 threatened the officers with a four-inch fold  
12 knife.

13 First of all, as borne out in  
14 my -- all of the reports that I have written  
15 documenting this incident, at no time did any  
16 witness ever say that the officers on Beat 815  
17 Robert were confronted by the subject. The  
18 subject being Laquan McDonald.

19 In fact, it was the other way around.  
20 The officers responded to the assignment and  
21 they subsequently confronted Laquan McDonald,  
22 who they found walking down the street.

23 I have never characterized what  
24 happened between those officers and Laquan

1 McDonald as him threatening them with a knife in  
2 the sense that I'm thinking somebody is  
3 brandishing a knife and threatening to cut you.  
4 I always characterized this incident as him  
5 attacking their vehicle with the knife, where he  
6 stabbed the right front tire and then stabbed  
7 the windshield. I have never characterized this  
8 as him threatening the officers with the knife.

9 That having been said, I believe that  
10 the act of attacking the marked police vehicle  
11 associated with two uniformed police officers  
12 was, in fact, a threat to the officers, but,  
13 again, just to be clear, that is now -- the  
14 words that are in this sentence are not the way  
15 I would have or have ever portrayed this  
16 incident.

17 The last misrepresentation is that it  
18 says that he threatened the officers with a  
19 four-inch fold knife. Again, having been at the  
20 scene, seeing the knife myself, knowing how I  
21 believe every single person -- all personnel  
22 employed by the Chicago Police Department in any  
23 reports written about this incident, I believe  
24 it has been very consistent that the knife has



1 been referred to as a folding knife, seven  
2 inches in overall length with a three-inch  
3 blade. I have never and I have never heard  
4 anyone else describe the weapon as a four-inch  
5 fold knife.

6 Q. So do you think that second sentence  
7 is -- putting aside the question of whether you  
8 relayed the information contained in the second  
9 sentence to Investigator Briggs, do you think  
10 that second sentence is accurate?

11 A. No.

12 Q. And it's for the reasons you stated?

13 A. Yes.

14 Q. Okay. How about the information in  
15 the first sentence, other than the 19th of  
16 October language, is the statement -- the  
17 first-sentence statement accurate?

18 A. Aside from the fact that he's got the  
19 wrong date, which you just described, and the  
20 fact that the words, "citizen holding a subject"  
21 are in quotation marks, I don't recall that I  
22 said those exact words, but the idea, if you  
23 will, of that being a summary of what had  
24 occurred is accurate.

1 Q. Okay. Third sentence, "The subject  
2 fled the scene on foot, where at 4112 South  
3 Pulaski the subject was stopped by officers  
4 assigned to Beat 845 Robert."

5 First question, did you relay the  
6 information contained in that sentence to  
7 Investigator Briggs during your phone call on  
8 October 20th, 2014?

9 A. In this sentence, I believe that all  
10 of those details or facts described in that  
11 sentence are accurate and were relayed by me to  
12 Investigator Briggs.

13 And, again, I can't say that I used  
14 those exact words in one complete coherent  
15 sentence that says all of that in one sentence.

16 Q. Okay. Next sentence, "The officers  
17 announced their office as Chicago Police  
18 Officers and ordered the subject to drop the  
19 knife."

20 First question, did you relay that  
21 information to Investigator Briggs during your  
22 phone call on October 20th, 2014?

23 A. Again, not in those exact words, but,  
24 yes, that information was relayed to

1 Investigator Briggs with the exception of the  
2 fact that he's got the words, "Chicago police  
3 officers" in quotation marks, and I have no --  
4 again, from being out there that night,  
5 interviewing all the officers involved, having  
6 written a number of reports involving this  
7 investigation, and talking about it on numerous  
8 occasions, no one -- none of the officers ever  
9 told me that the words they said were "Chicago  
10 police officers" when they were announcing their  
11 office.

12 And I obviously did not characterize  
13 that then to Investigator Briggs. If I had not  
14 heard someone say those words, I would not tell  
15 him that someone said those words.

16 Q. Okay.

17 A. I did tell him that the officers  
18 announced their office, and I believe all the  
19 reports that I've written said that all of the  
20 officers are pretty consistent in saying  
21 something along the lines of, "Police, stop.  
22 Police, drop the knife." But never do they say,  
23 "Chicago police officers, stop. Chicago police  
24 officers, drop the knife."

1                   So except for that one clarification,  
2 again, that sentence are not the exact words I  
3 spoke to him, but the facts detailed in that  
4 sentence are accurate.

5 Q. Next sentence, "The subject lunged at  
6 the officers with the knife."

7 First question, did you relay that  
8 information to Investigator Briggs during your  
9 phone call on October 20th, 2014?

10           A.     No, I -- again, being a detective --  
11     being a police officer for 34 years and  
12     especially being a violent crimes detective for  
13     the last 25 years, details of the elements of a  
14     criminal offense are the most important thing we  
15     deal with.

16 I mean, when we're determining  
17 whether or not we have probable cause to arrest  
18 someone, when we're presenting a case to the  
19 State's Attorney's Office for the approval of  
20 criminal charges, it's very important how the  
21 facts are characterized. If you leave facts  
22 out, if you use words that don't convey all of  
23 the details, you're not conveying an accurate  
24 message to whoever.

1 And especially like with dealing with  
2 the State's Attorney's Office, they're they  
3 ones -- they're not on scene, they don't talk to  
4 all of the people that we do, so it's up to us  
5 to accurately relay to them what the facts are  
6 because that's what they're going to make their  
7 decision as to whether or not they're going to  
8 charge and what charge is the most appropriate.

9 So obviously you don't want to use  
10 language that doesn't accurately describe  
11 something and you don't want to use language  
12 that describes things that didn't happen.

13 Again, having spoken to every officer  
14 that was involved in this incident, no one has  
15 ever told me that they saw Laquan McDonald or  
16 felt that he was lunging at anyone.

17 In viewing the video myself, I have  
18 never had the impression that I see Laquan  
19 McDonald ever lunge at anyone in that video.  
20 And, again, in speaking about this case for  
21 almost two years, I can say with certainty --  
22 because, again, my awareness of the importance  
23 of the details -- I have never described what  
24 Laquan McDonald did during this incident as a

1 lunge.

2 So the sentence, "The subject lunged  
3 at the officers with the knife" is just  
4 something that I never said and I did not tell  
5 Investigator Briggs.

6 Q. Okay. Understanding that -- putting  
7 aside whether or not you relayed that  
8 information -- or relayed -- said the word,  
9 "lunged" to Investigator Briggs on the night of  
10 October 20th, 2014, do you believe it's an  
11 accurate statement to say that the subject  
12 lunged at the officers with the knife?

13 A. No, I believe that's a  
14 misrepresentation by Investigator Briggs.

15 Q. You do not think --

16 A. And I don't know what he based that  
17 on. It certainly wasn't the words I told him  
18 because I never told him that Laquan McDonald  
19 lunged at anyone.

20 Q. So you do not think it's accurate to  
21 state that McDonald lunged at the officers?

22 A. Correct.

23 Q. Do you have any recollection of how  
24 you characterized McDonald's actions to Briggs

1 during your phone call?

2 A. I -- again, I don't know the exact  
3 words that I used. I know from what I saw and  
4 how I handled my investigations, I would have  
5 said something along the lines of McDonald  
6 attacked the officers or began to attack the  
7 officers.

8 Q. Okay --

9 A. And, again, there's many ways to  
10 attack. I wouldn't describe what he did as a  
11 lunge.

12 Q. Next sentence, "Fearing for their  
13 life and attempting to stop the threat, one  
14 officer, star number 9465, fired 16 rounds from  
15 his duty weapon, a Smith & Wesson 9mm handgun  
16 striking the subject numerous times."

17 First question, did you relate the  
18 information contained in that sentence to  
19 Investigator Briggs during your phone call on  
20 October 20th, 2014?

21 A. Yes, I did relay -- all of the facts  
22 detailed in that sentence were related by me to  
23 Investigator Briggs, not necessarily in those  
24 exact words and certainly not in one sentence

1 like that.

2 Q. Okay. And is that sentence accurate?

3 A. As best I know from what happened at  
4 this date.

5 Q. Okay. Next sentence, "After striking  
6 the subject, an ambulance was requested by the  
7 officers."

8 First question, is that -- did you  
9 relate the information contained in that  
10 sentence to Investigator Briggs during your  
11 phone call on October 20th, 2014?

12 A. Yes, the facts detailed in that  
13 sentence are accurate. Again, not the words  
14 necessarily that I actually used and certainly  
15 not in a sentence like that that I recall.

16 Q. Okay. But, generally speaking, the  
17 information that's contained in that sentence  
18 you relayed to Investigator Briggs during your  
19 phone call?

20 A. Yes.

21 Q. The next paragraph starts, "Upon  
22 arrival of Chicago Fire Department ambulance," I  
23 want you to review that paragraph, and after  
24 you've had a chance to look it over, I want to



1 ask if you provided the information in that  
2 paragraph to Investigator Briggs during your  
3 phone call?

4 A. In the first sentence I would have  
5 told him that Chicago Fire Department  
6 Ambulance 21 transported McDonald to Mount Sinai  
7 Hospital.

8 Pretty much the rest of that  
9 paragraph, aside from the time that he's  
10 expired, because I would have told him that  
11 McDonald was pronounced dead at 2242 hours, but  
12 the rest of that is information that I did not  
13 provide to Briggs.

14 The beginning of the second sentence  
15 where it says, "Once at Mount Sinai Hospital,  
16 emergency staff were unable to revive the  
17 subject," I have no idea what was done at Mount  
18 Sinai Hospital. I don't know if they rolled him  
19 into the ER and he was a flat-line, that they  
20 never found any signs of life; I don't know if  
21 they worked on him and performed any procedures  
22 in attempting to save his life and were  
23 unsuccessful.

24 So that statement that they were

1 unable to revive him, I don't know where that  
2 comes from. I did not say anything in any  
3 faintest resemblance to that statement.

4 I would have told him, as I told you,  
5 that he was pronounced dead at 2242 hours, the  
6 name of the doctor, the beat car has it --  
7 Briggs has it spelled one way here, the Original  
8 Case Report by Officer Fontaine has it spelled a  
9 different way.

10 The spelling that I got from the  
11 detectives at the hospital is different. In  
12 fact, it's completely different. If you look at  
13 my report, the doctor that is credited with  
14 pronouncing Laquan McDonald deceased is Pitzele,  
15 I believe it is spelled P-i-t-z-e-l-e, which,  
16 depending on what your perspective is, is kind  
17 of close to what Briggs has here, but it  
18 certainly is not the name that Briggs has here.

19 After the doctor's name, the rest of  
20 that paragraph is basically a description of the  
21 injuries sustained by Laquan McDonald, and there  
22 is no way that I -- I couldn't have possibly  
23 told him any of that information because at the  
24 time I made this notification, the only things I

1 knew at that point were that Jason Van Dyke said  
2 he had fired his weapon 16 times and I was aware  
3 that Laquan McDonald had been shot multiple  
4 times, which means more than once.

5 I had no idea how many times he was  
6 hit, if all 16 shots struck him, if they were  
7 lodged or through-and-through injuries, which  
8 would create more than one hole, I had no idea  
9 anywhere near this kind of description of his  
10 injuries. So obviously Briggs got that from  
11 some other source, not me.

12 Q. Is it possible that the two  
13 detectives who were at the hospital, would they  
14 have had that information?

15 A. It's certainly possible that those  
16 detectives had that information. It's possible  
17 anyone from the police department who was  
18 present at the hospital with information may  
19 have made an additional call to Briggs and  
20 provided that information. It's possible that  
21 Briggs, in performing his duties, called the  
22 hospital to obtain additional information that I  
23 didn't know.

24 But it's obvious -- it's completely

1 totally obvious to me that the four pages of  
2 this report are not a summary of information he  
3 received entirely from me. It's obvious to me  
4 that he used additional sources and probably  
5 additional people to gather all the information  
6 he's summarizing in these four pages.

7 Q. And maybe that's a good segue maybe  
8 to kind of go through a little bit and determine  
9 what of the information in this Case Report came  
10 from you and what information didn't.

11 So if we could go to Page 1. There's  
12 a --

13 A. Let me ask you this: If you want to  
14 simplify things, I've gone through my copy of  
15 this report and kind of highlighted the  
16 information that I didn't provide him. So maybe  
17 that could save you some time, unless you feel  
18 obligated to ask every entry.

19 Q. Maybe we can quickly -- we'll quickly  
20 talk about what you did provide. So there's a  
21 the Decedent/Subject section on Page 1.

22 Did you provide Investigator Briggs  
23 with the information and the details contained  
24 in that Decedent/Subject section?

1           A.     Well, with the exception of the ZIP  
2     code for his residence at [REDACTED],  
3     I would have told them that I received the  
4     information that the last known address that the  
5     Chicago Police Department had for Laquan  
6     McDonald was [REDACTED].

7                     But obviously standing at the scene,  
8     I had no idea what the ZIP code is at [REDACTED]  
9     [REDACTED]. And at that point I didn't pull  
10    out my phone and go on the internet and look up  
11    that ZIP code for that address.

12                    So obviously he at some -- from some  
13    source -- and I'm assuming he looked it up on  
14    the internet or from a ZIP code directory book,  
15    if they still make those, he looked up that  
16    address and entered it into his report.

17                    So under that Decedent/Subject  
18    category, the only information that I did not  
19    provide to him is the ZIP code of the residence.

20           Q.     Let's see, in the Notification  
21    section on Page 1, fair to say that you provided  
22    him your name, title, and star number?

23           A.     Yes.

24           Q.     Did you provide him the beat number

1 of 5121?

2 A. Yes.

3 Q. And did you provide him the police  
4 report number of HX475653?

5 A. Yes. The only information in that  
6 section that I don't believe I gave him because  
7 I don't remember it and I don't recall ever  
8 doing that is the telephone number for my  
9 office, which is what that telephone number is.  
10 Again, I assume he looked that up from another  
11 source.

12 Q. Okay. In the Discovered section, did  
13 you provide him the information in that  
14 Discovered section?

15 A. There is some information that I did  
16 not provide. But, first of all, I would like to  
17 point out, if you look at that section at the  
18 bottom of Page 1 and the first two lines of  
19 Page 2, which is a continuation of that section,  
20 I think it's obvious if you look through all of  
21 the entries or the categories in that section,  
22 this is in reference to a dead body. This is  
23 the discovery of a dead body.

24 He has for the first entry,

1 "Discovered by: Chicago Police beat number 845  
2 Robert." They did not discover a dead body.  
3 They were dealing with a live offender from the  
4 entire time he was at the scene, and I'm told  
5 that when he went into the ambulance, he still  
6 had a pulse. So the Chicago Police Department  
7 did not encounter a dead body at that point.

8 So, again, I -- I don't know what  
9 he's trying to convey here, but the section  
10 should really be, you know -- if you want to be  
11 totally accurate, it would probably be that  
12 someone at the hospital with the location of  
13 Mount Sinai Hospital would be the one to give  
14 you information about the discovery of a dead  
15 body because that is where he was -- until he  
16 was pronounced dead, he was alive.

17 And I know, again from all the  
18 information I received at the scene, that he  
19 definitely was still alive at the scene. So  
20 it's a technicality, but we're dealing with  
21 lawyers here, and that's what they live on is  
22 technicalities.

23 I'm assuming again the address --  
24 he's got, "Discovered by: Chicago Police beat

1 number 845 Robert," that's Jason Van Dyke and  
2 Officer Joe Walsh's beat number.

3 He uses the address of the  
4 8th District, which I did not provide him.  
5 Again, I'm assuming he looked that up in some  
6 reference that he's got.

7 The telephone number is my office  
8 telephone number, so I'm not sure why that's in  
9 there because I didn't discover the body, and I  
10 don't think any of the people from Area Central  
11 Bureau of Detective's Office discovered the  
12 body. The best I know, the people at the scene  
13 that encountered Laquan McDonald were all  
14 officers assigned to the 8th District.

15 "Title: Police officer,"  
16 "Relationship: Police officer," I'm not sure  
17 what he's -- Beat 845 Robert are obviously  
18 police officers, but, "Relationship: Police  
19 officer." I'm not sure what that's indicating.

20 Last known alive, I guess that's  
21 accurate because the officers saw him alive on  
22 the 20th and he was pronounced deceased on the  
23 20th, so that's accurate information. I'm not  
24 sure exactly how Briggs determined that.



1 Discover date and time, again, this  
2 is supposed to be in reference to a dead body,  
3 and he's got 10/20/2014, 9:56 p.m. That is the  
4 time when Jason Van Dyke and Joseph Walsh  
5 encountered and confronted Laquan McDonald.

6 That is not the time -- and, again,  
7 he was still alive attacking them with a knife  
8 at that time. So I don't know how that figures  
9 into Briggs' thinking that that's the time for  
10 the discovery of a dead body.

11 And then condition of body, multiple  
12 gunshot wounds, again, he's taking the fact that  
13 Laquan McDonald was shot multiple times and  
14 putting that in there for the condition of the  
15 body.

16 And I did tell him that McDonald had  
17 been shot multiple times but...

18 Q. How about Place of  
19 Occurrence/Incident, did you provide the  
20 information on that section to Investigator  
21 Briggs?

22 A. Yes, that would have been information  
23 I communicated to him except for the ZIP code of  
24 the address of occurrence because, again, I

1 didn't know the address at that point when I was  
2 calling from the scene.

3 Q. Okay.

4 A. So obviously he got that from some  
5 other source.

6 Q. And then Identification of Deceased?

7 A. This is a very confusing category for  
8 me personally. If you read my reports, they  
9 document the fact that Laquan McDonald was  
10 initially tentatively identified by his State of  
11 Illinois ID card that he had on his person, and  
12 subsequently that identification was confirmed  
13 by his fingerprints.

14 But at the time I made this  
15 notification to Briggs, we were working off that  
16 tentative identification. "Positive  
17 Identification: Coworker," I have no idea what  
18 that is supposed to be indicating because there  
19 was certainly no coworker of Laquan McDonald  
20 that I was aware of that had any contact with  
21 police.

22 Identification means fingerprints.  
23 Again, at the time I was making this  
24 notification, I knew that as part of the

1 standard procedure, at some point in time,  
2 Laquan McDonald's remains would be  
3 fingerprinted, but they had not been  
4 fingerprinted at this point.

5 And I confirmed that by looking at  
6 the crime scene processing reports from the  
7 forensic investigators. And he was, in fact, I  
8 believe, fingerprinted at the Medical Examiner's  
9 Office on the following day. I believe it was  
10 the 21st when the autopsy was done.

11 So, again, there's no way that I told  
12 him that he was identified by fingerprints at  
13 the time I made this notification.

14 Q. And maybe -- so on the second page in  
15 the -- or third page of the report in the  
16 narrative section, last full paragraph, "Subject  
17 was positively identified by the Chicago Police  
18 ICLEAR system based on a prior Chicago Police  
19 booking number, IR2106340.

20 I mean, does that -- how does that  
21 relate to the identification of the deceased?

22 A. To that particular -- specific fact,  
23 I was told by -- again, I don't remember who  
24 told me, I wrote it on a General Progress

1 Report, that someone had run, I'm assuming, the  
2 information off of the state ID card -- they had  
3 run a name-check on him in our database and come  
4 up with possible IR number, and I could have  
5 provided that to Briggs.

6 Q. Okay.

7 A. But, again, that had not -- the IR  
8 number is a distinct number assigned to every  
9 person that the Chicago Police Department  
10 arrests based on their fingerprints, and no  
11 fingerprint analysis or match or even  
12 fingerprinting process had been completed at the  
13 time.

14 That was someone ran a name-check  
15 based on the identifiers from the ID card and  
16 came up with that IR number. And I gave that  
17 to -- again, that was in my notes -- so I  
18 probably did give that number to Briggs as a  
19 possible IR number for --

20 Q. Would you have told Briggs the  
21 subject was positively identified by the Chicago  
22 Police ICLEAR system during your phone call on  
23 October 20th, 2014?

24 A. No, absolutely not. There's two

1 issues -- and, again, this goes back to my  
2 training and experience after my 34 years as a  
3 Chicago police officer.

4 When you come across a dead body,  
5 whether it be a natural or criminal incident,  
6 two of the very most important procedures that  
7 the police department has to accomplish is to  
8 identify the -- positively identify the subject  
9 and make a notification to the next of kin.

10 Identification is made either by  
11 having a family member, and not just a friend  
12 who knows him for the last five years, but we  
13 usually use a blood family relative to view the  
14 victim and say, yeah, that's my husband, that's  
15 my son, that's my daughter, you know, whatever.

16 That had not happened because at the  
17 time of this notification, we had not made  
18 contact with Laquan McDonald's family.

19 And the other more common way is --  
20 or second more common way, whatever you want to  
21 call it, would be through fingerprints, and I  
22 just discussed, that had not even started yet.

23 Q. Do you have any independent -- well,  
24 independent of this document -- independent

1 recollection of what you did tell Investigator  
2 Briggs regarding McDonald's identification  
3 during your phone call?

4 A. I would have told him that, like I  
5 just told you, we had tentative information  
6 coming off the ID card, and I would have told  
7 him the same thing, someone ran him in our  
8 system and came up with a possible IR number.

9 Q. Going back to Page 2 of the Case  
10 Report, the Pronouncement section, did you  
11 provide the information in that section to  
12 Investigator Briggs during your phone call on  
13 October 20th, 2014?

14 A. "Place Deceased Pronounced," I would  
15 have told him he was pronounced at Mount Sinai  
16 Hospital. I did not specify ER because he could  
17 have died in surgery. I did not know where in  
18 the hospital he would have been pronounced, so I  
19 did not say ER. I would tell him hospital.

20 "Method of Pronouncement: On View,"  
21 I'm not quite sure what that means.

22 "Hospital: Mount Sinai Medical  
23 Center," I would have told him Mount Sinai, and  
24 obviously I gave him the date and time.

1 And, again, I gave him the doctor's  
2 name that I have but, again, going to the  
3 credibility of his attention to detail in his  
4 report and all the other inaccuracies that are  
5 in here, that is not the name of the doctor with  
6 the spelling that I gave him.

7 And I would have gave him -- some of  
8 the very most important information we give them  
9 is the time of pronouncement and the doctor or  
10 the person who pronounces. And I certainly did  
11 not -- I did give him the name that I had in my  
12 report, but I did not give him this name.

13 Q. And doctor --

14 A. Now, it could be that I, in my  
15 reports, through my sources, other detectives,  
16 they have the wrong spelling and this is the  
17 correct spelling. But if that's the case, then  
18 Briggs didn't get that from me. Again, he got  
19 it from another source.

20 So, again, the information in these  
21 four pages is not entirely exclusively from me.  
22 This is a summary of information he gathered  
23 from a number of sources.

24 Q. "Fire Department on Scene," would

1 you --

2 A. I would have told him that  
3 Ambulance 21 transported the body to the  
4 hospital.

5 Q. Okay. And then going back to the  
6 narrative section --

7 A. And just by way of, again, attention  
8 to detail, the bottom of Page 2 "List of Person  
9 Interviewed," he's got my name and title and  
10 everything. Again, I don't recall giving him  
11 the office number. I'm assuming he got that off  
12 a list he has. I certainly -- he did not ask  
13 me, and I did not provide him with the address  
14 of my office. Again, he got that from another  
15 source.

16 Q. In the narrative section, last full  
17 paragraph, second sentence, "At the time of this  
18 report, it is unknown why the citizen was  
19 "holding the subject" since the citizen left the  
20 scene and could not be interviewed."

21 Did you provide the information  
22 contained in that sentence to Investigator  
23 Briggs on the night of October 20th, 2014?

24 A. I don't specifically recall relaying



1 that information to him. It is possible that I  
2 did and that statement is accurate, but, again,  
3 I don't recall making a statement exactly in  
4 that manner. But if he asked me, you know, did  
5 we interview the citizen who made the original  
6 call, I would have told him no because at that  
7 point, we hadn't.

8 Q. Did you inform Investigator Briggs  
9 that there was video of the shooting?

10 A. I don't recall if we discussed video  
11 or not.

12 Q. Okay. Do you recall whether he asked  
13 you if there was video of the shooting?

14 A. I don't recall.

15 Q. Generally speaking, do you recall  
16 providing Investigator Briggs with any  
17 information during your phone call on  
18 October 20th, 2014, that is not reflected in the  
19 Case Report?

20 A. It's possible, but I don't -- again,  
21 at this late date, I don't recall.

22 Q. No specific recollection?

23 A. No, nothing that I know for certain I  
24 told him that does not appear here.

1 MR. NEUMER: Time is 11:35 a.m. We're  
2 going to go off the record.

3 (WHEREUPON, a recess was had.)

4 MR. NEUMER: Time is 11:43 a.m. We're back  
5 on the record.

6 BY MR. NEUMER:

7 Q. Still talking about generally the  
8 Exhibit 5 Case Report. I wanted to ask you,  
9 Detective March, if at any time at the scene of  
10 the shooting on October 20th, 2014, at any time  
11 at the scene, did you tell a representative from  
12 FOP that McDonald lunged at Chicago Police  
13 Department officers?

14 MR. MCKAY: Objection, that's outside your  
15 Notification of Allegations. Now he's supposed  
16 to defend some alleged statement to not  
17 Investigator Briggs and not Officer Dora  
18 Fontaine? Do you have an FOP report suggesting  
19 what, if anything, Detective March may have  
20 said?

21 That is outside your Notification of  
22 Allegations, and, as such, he should not be  
23 compelled to answer that.

24 MR. NEUMER: Can we read back the question.

1 (WHEREUPON, the record was  
2 read by the reporter.)

3 MR. MCKAY: That's outside these  
4 allegations your office has alleged against  
5 Detective March.

6 Further, I submit, unless you have  
7 some report prepared by an FOP representative,  
8 you have no good faith basis to ask that  
9 question because there's nothing in Investigator  
10 Briggs' report about an FOP representative at  
11 the scene talking to Detective March.

12 Further, there's nothing in Officer  
13 Dora Fontaine's report, your Exhibit Number 6,  
14 that suggests there was an FOP representative  
15 talking to Detective March at the scene.

16 As a result, I ask that you strike  
17 that question and move on to something else.

18 Further, you have all the reports  
19 prepared by Detective March in this particular  
20 case; indeed, you used several of them at his  
21 interview in April. At no time, in no place do  
22 any of the reports generated by Detective March  
23 indicate he ever interviewed an FOP  
24 representative.

1 The allegations today and the  
2 allegations your office made back earlier this  
3 year that were the subject of the April 26th and  
4 April 27th questioning, at no time do those  
5 allegations indicate any false statements to any  
6 FOP representative, Mr. Neumer. As such, we ask  
7 that that question be stricken and we move on to  
8 what other questions are relevant to these new  
9 allegations you have alleged.

10 MR. NEUMER: As you know, Detective March  
11 has been ordered to answer OIG's questions, so I  
12 would ask that the court reporter read back the  
13 question to Detective March.

14 (WHEREUPON, the previous question was  
15 read by the reporter as follows:

16 "Still talking about generally the  
17 Exhibit 5 Case Report. I wanted to ask  
18 you, Detective March, if at any time at  
19 the scene of the shooting on  
20 October 20th, 2014, at any time at the  
21 scene, did you tell a representative from  
22 FOP that McDonald lunged at Chicago  
23 Police Department officers?".)

24 MR. MCKAY: Again, I object. Are you

1 suggesting, Mr. Neumer, that an FOP  
2 representative and his or her statement, whether  
3 written or oral, is an official report? Because  
4 only official reports in this matter are what  
5 John Escalante wanted your office to  
6 investigate. I would ask that you answer the  
7 question, Mr. Neumer.

8 MR. NEUMER: The question --

9 MR. MCKAY: He cannot be -- I'm sorry. I  
10 mean no disrespect.

11 Detective March cannot be expected to  
12 defend himself by way of ambush. Where does  
13 this FOP representative and some alleged  
14 conversation, where does that come from? None  
15 of the allegations your office has alleged.

16 What is your good faith basis as an  
17 officer of the court to even ask this question,  
18 Mr. Neumer?

19 MR. NEUMER: This question is relevant to  
20 our investigation --

21 MR. MCKAY: How so? How so? We ask you to  
22 show us the relevance.

23 MR. NEUMER: Jim, Detective March is under  
24 order to answer our questions. I'm going to ask

1 the court reporter to read him the question.

2 THE WITNESS: She doesn't need to reread  
3 the question again.

4 BY THE WITNESS:

5 A. As I said previously in regards to  
6 your Exhibit 5, I do not recall ever in the past  
7 almost two years ever characterizing or  
8 describing anything that Laquan McDonald did on  
9 the night of October 20th, 2014, as a lunge to  
10 anyone.

11 I might add on top of that, at the  
12 scene that night, I do not remember having any  
13 conversation with any representatives from FOP  
14 regarding the details of what happened in this  
15 incident.

16 BY MR. NEUMER:

17 Q. I'm not sure if you're aware, FOP  
18 spokesperson Pat Camden described the --  
19 described McDonald's actions to the press that  
20 night as a -- that McDonald lunged at the  
21 officers. If you know, do you know where FOP  
22 spokesperson Pat Camden got that information?

23 A. How would I possibly know? As I just  
24 told you, I don't remember having any

1 conversation with any representative of FOP.

2 And I can tell you specifically Pat Camden --

3 and I know who he is -- I did not have any

4 conversation with him at all that night.

5 And as far as where he got that, I  
6 mean, this is America and -- in spite of the  
7 conduct of the Inspector General's Office, this  
8 is America and people have a right of free  
9 speech. Pat Camden can say anything he wants.

10 I have no control over that, I have  
11 no idea what prompted him to say that, and I  
12 certainly, if he received information to that  
13 effect, I have no idea where it came from.

14 Q. Okay. And it didn't come from you --

15 MR. MCKAY: I would reiterate, Mr. Neumer,  
16 John Escalante's letter we have talked about at  
17 length clearly states whether any officers made  
18 false statements on official reports submitted  
19 in connection with the shooting of Laquan  
20 McDonald on October 20th, 2014.

21 To suggest Pat Camden's statement to  
22 the press is an official report is absurd.

23 Agreed or not?

24 And are we going to ask Detective

1 March about media reports, whether it's  
2 television or print media? That is ridiculous,  
3 especially in light of all the false information  
4 provided by the media in this case. You going  
5 to put them through this type of a sworn  
6 statement? I'd love to be asking them some  
7 questions under oath.

8 But, be that as it may, Detective  
9 March has answered your question. Whatever Pat  
10 Camden said to the media is not relevant to what  
11 John Escalante is asking your office to do.

12 Thank you.

13 BY MR. NEUMER:

14 Q. So, Detective March --

15 A. I'd just like to interject. Just  
16 before this exchange, I believe your last  
17 comment was that you are not saying that I made  
18 a statement like that to Pat Camden? And I  
19 would -- you said we're not saying that you made  
20 that statement to Pat Camden, but I would say on  
21 the record that the clear implication of your  
22 last question to me is that I am the source of  
23 that statement.

24 Q. I'm asking you whether --



1 A. Right --

2 Q. -- whether you --

3 A. -- your implication -- because  
4 there's no allegation but you're on your little  
5 fishing expedition and you're accusing me by  
6 implication by that question that I am the  
7 source of that statement, and clearly I am not.

8 Q. Okay.

9 A. As you just admitted that you knew  
10 before you asked the question.

11 Q. I don't quite follow but okay.

12 At this time I am going to ask my  
13 colleague if she has any cleanup questions with  
14 respect to the ME Case Report.

15 BY MS. WITZBURG:

16 Q. Just very briefly, Detective, on  
17 Page 1 there's a phone number under the  
18 Notification section and a phone number under  
19 the Discovered section. Those are both 312-747  
20 exchange numbers. Are those both numbers for  
21 Area Central?

22 A. Oh, no. I'm sorry. I misspoke. The  
23 number under the Discovered looks like -- it's  
24 not -- just looking at it quickly, I thought it

1 was my office number. It's not. It probably is  
2 a number for the 8th District, which is the  
3 address right above it.

4 Q. Okay. So the 8380, is that the Area  
5 Central?

6 A. That is my office number.

7 Q. Does that phone -- is that specific  
8 to you, that exchange --

9 A. No, that's --

10 Q. -- is that the Detective Division  
11 number?

12 A. That's the entire office on the  
13 second floor.

14 Q. Okay. And 8730 is not an Area  
15 Central number?

16 A. Correct. Not that I know of. I  
17 believe it's the 8th District. I don't know for  
18 certain.

19 Q. Okay. Thank you.

20 MS. WITZBURG: That's it.

21 MR. NEUMER: Okay.

22 BY THE WITNESS:

23 A. I would just like to, since we didn't  
24 go there, make a couple other observations. On

1 Page 4 that we didn't deal with.

2 BY MR. NEUMER:

3 Q. Okay.

4 A. Near the top there it says there's an  
5 entry of "Temperature of Environment:  
6 52 degrees Fahrenheit". There is no way that I  
7 told Investigator Briggs that the temperature at  
8 the scene that night was 52 degrees.

9 Again, he obviously went to some  
10 internet source or something, some weather site  
11 and found -- you know, just looked up the  
12 temperature. Because I can see how that would  
13 be relevant to the Office of the Medical  
14 Examiner, but that certainly didn't come from me  
15 as you're suggesting everything else in this  
16 report is from me.

17 And then a short way under that  
18 entry, there's an entry for "Photographs Taken  
19 on Scene" and it says, "False."

20 Again, not being familiar with all of  
21 the workings of the Medical Examiner's Office, I  
22 have no idea what that is indicating. And if  
23 that is supposed to be Briggs indicating that I  
24 told him that photographs taken at the scene is

1 false, that is a false representation because at  
2 the time of the notification that I made this  
3 notification, I don't believe photographs had  
4 been taken, but the crime lab, the Forensic  
5 Services personnel were on the scene in the  
6 process of processing the scene, which included  
7 not just photographs but also video.

8 So that is an inaccurate entry. And,  
9 again, it just goes to the credibility of using  
10 this report to say that I said anything exactly  
11 in the words that he used.

12 Q. I'm now going to put -- I'm going to  
13 take Exhibit 5 back and put Exhibit 6, the  
14 Original Case Incident Report in front of you.

15 (WHEREUPON, the document was  
16 tendered to the witness.)

17 BY MR. NEUMER:

18 Q. And who completes an Original Case  
19 Incident Report?

20 A. Well, it can potentially be any  
21 member of -- any sworn member of the Chicago  
22 Police Department.

23 I believe even with all the  
24 civilianization we've gone through, I believe

1 it's still sworn members only that are -- and  
2 maybe I'm wrong, but still to the best of my  
3 knowledge, it's only sworn officers that can  
4 actually initiate or create an Original Case  
5 Incident Report. So in the case of this  
6 incident, it would have been whichever officer  
7 was assigned to do that task -- to perform that  
8 task.

9 Q. Is it generally officers that  
10 complete the Case Incident Reports as opposed to  
11 detectives?

12 A. The vast majority of times, but there  
13 are times when a detective will create an  
14 original report.

15 Q. When would a detective create an  
16 Original Case Incident Report?

17 A. In an incident where he becomes aware  
18 of the crime and -- just his dealing with it.  
19 So, you know, rather than calling to have a beat  
20 car assigned and tying them up --

21 Q. Sure.

22 A. -- and the detective, the detective  
23 will just, you know, save some resources and  
24 just create the original report themselves.

1 Q. Got you. And so what's the review  
2 chain for a Case Incident Report?

3 A. The member who prepares the report,  
4 it's all computerized now. We have a system  
5 that's called AIRA -- I believe it's  
6 A-I-R-A -- which is for creating original  
7 computerized incident reports. Officers can do  
8 that in the mobile PDTs -- I don't know if  
9 that's police data terminal -- that they have in  
10 the cars, or they can do it on any computer in  
11 the police facility. But, as I said, no longer  
12 do we write -- hand-write reports out by hand;  
13 it's all done on computer.

14 And so there's a number of screens  
15 that the officer will go through and enter the  
16 information that's requested. They enter -- I  
17 should specify that they enter the information  
18 that they have or are aware of at that time.

19 All of these are usually what is  
20 called as preliminary investigations. When the  
21 investigation is just starting, the civilian, if  
22 you will, is just initially reporting it to the  
23 police, so sometimes the officer making --  
24 initiating the report doesn't have all of the

1 facts or may be given wrong information by the  
2 people they're talking to.

3 But it's basically that officer goes  
4 through the different screens and enters the  
5 information that is requested to the best of  
6 their knowledge.

7 Q. And after the officer or, in certain  
8 instances detective, completes the Case Incident  
9 Report, who next reviews that report?

10 A. Once the officer has entered all the  
11 information and they're satisfied that they have  
12 everything the way they want it on the report,  
13 on one of the screens, there's a "Submit"  
14 button. When they click on that button, it is  
15 then considered submitted.

16 In fact, if you were to look at the  
17 system in more detail, a report that has not  
18 been submitted yet, somewhere near the top of  
19 the report, it will say, "Preliminary" because  
20 it has not been submitted. That report is  
21 basically nothing; it's just a report in  
22 progress.

23 Once it is submitted, then if you  
24 were to print the report up then, it would say

1 somewhere near the top, "Submitted." And then a  
2 supervisor, normally it's a sergeant, would  
3 review the report and approve it.

4 Once the sergeant reviews the report  
5 and is in agreement with it or whatever and  
6 decides he's ready to approve it, there's a  
7 screen in his computer that he clicks on the  
8 "Approved" button. At that time, the report  
9 becomes approved, and, again, if you were to  
10 print a copy of the report after that, it would  
11 say, "Approved" somewhere near the top of the  
12 report.

13 Q. Yep. Yep. Okay. Does the detective  
14 assigned to a case generally look at the case  
15 incident report before it's finalized?

16 A. No, the vast majority of criminal  
17 incidents that are reported by, you know, patrol  
18 personnel, there is no detective on the scene.  
19 It's a civilian reporting a crime to the  
20 officer. The officer enters his information,  
21 submits the report. His sergeant approves it or  
22 a sergeant will review and approve it.

23 And then subsequent to that, it will  
24 be assigned to a detective. And then that's



1 like normally the first opportunity the  
2 detective has to even know the report exists,  
3 much less read it and review it.

4 Q. So generally speaking, the Case --  
5 the Original Case Incident Report is approved  
6 and finalized before a detective even gets  
7 assigned?

8 A. Correct.

9 Q. Who prepared this Exhibit 6 Original  
10 Case Incident Report?

11 MR. MCKAY: Objection to speculation unless  
12 he knows.

13 BY THE WITNESS:

14 A. I can only speak -- again, I wasn't  
15 present when this report was created and  
16 submitted in the computer system. I can only go  
17 by the computer entries on the last page of this  
18 report, but it -- I know that Dora Fontaine was  
19 at the scene, I know that she was one of the  
20 officers assigned to the car that was assigned  
21 to do the original report, and it says reporting  
22 officer is Dora Fontaine.

23 So it was either Dora Fontaine or  
24 someone logged into the computer system as Dora

1 Fontaine. That's the only thing I can say for  
2 certain.

3 Q. Okay.

4 A. It probably was Dora Fontaine.

5 Q. Did you direct Officer Fontaine to  
6 complete this Case Incident Report?

7 A. No, her sergeant did. One of the  
8 8th District sergeants assigned their car or her  
9 car to, you know, be the quote/unquote paper car  
10 to create the Original Case Incident Report.

11 Q. Did you speak -- I know -- based on  
12 our interviews in April, I know you spoke to  
13 Officer Fontaine at the scene of the shooting  
14 regarding what she had witnessed. Putting those  
15 conversations aside, did you speak to  
16 Officer Fontaine at the scene of the shooting  
17 regarding her completion of this Original Case  
18 Incident Report?

19 A. I believe I just checked with her  
20 what classification she was going to use, what  
21 address, date and time of occurrence.

22 And then obviously, as we've already  
23 spoken about, I made the notification to the  
24 Medical Examiner's Office so I gave her

1 Investigator Briggs' name and badge number to --  
2 because technically the notification  
3 responsibility is the beat car, so I did that  
4 for them and gave her the information so it  
5 could be entered on the report.

6 Q. Okay. And so just to -- just for the  
7 record, what was the information you provided,  
8 the --

9 A. I told her I notified the Medical  
10 Examiner's Office and here's the name of the  
11 investigator and here's his number.

12 Q. Oh, okay. Okay. Is --

13 A. Which she apparently entered on the  
14 report because it is in there and I didn't enter  
15 it.

16 Q. Did you provide Officer Fontaine with  
17 any of the other information that is contained  
18 in this Exhibit 6 report?

19 A. No.

20 Q. Do you know where she would have  
21 gotten the information in this report that lists  
22 Officer Gaffney, Officer Van Dyke, and Officer  
23 Walsh as victims?

24 A. Either from talking to those

1 individual officers or from someone else who had  
2 spoken to the officers.

3 Q. Okay. She did not get that  
4 information regarding the victims from you?

5 MR. MCKAY: Objection, asked and answered.

6 BY THE WITNESS:

7 A. I believe I -- in our previous  
8 interview from April, I -- there was a question  
9 as to, you know, how this classification,  
10 whatever -- I think we had a conversation about  
11 who would be listed as a victim -- as victims on  
12 this report, and so obviously -- I don't know if  
13 Dora Fontaine was part of the conversation I was  
14 involved in.

15 Most of my conversations were with  
16 supervisors, and I don't recall if Dora Fontaine  
17 was there or not. But it was decided that we  
18 would list three victims, Officers Gaffney,  
19 Van Dyke, and Walsh.

20 Q. Right, but you don't have a specific  
21 recollection of telling Officer Fontaine, "You  
22 should list these three individuals as victims  
23 in your Original Case Incident Report"?

24 A. No, I don't recall that.

1 Q. Were you responsible for approving  
2 this Original Case Incident Report?

3 A. Absolutely not. As a detective, I  
4 have no authority to go into the computer system  
5 and approve anyone's report. Only a sergeant  
6 and above can do that.

7 Q. Let me back up, actually. In the  
8 Injuries section on Page 1, it says, "Injury  
9 info, PO Van Dyke, Number 12865, Jason - victim"  
10 and then underneath that it says, "Injured by  
11 offender."

12 Did you direct Officer Fontaine to  
13 include that, "Injured by offender" language in  
14 the report?

15 A. No.

16 Q. Do you have any knowledge as to why  
17 Officer Fontaine included that language in the  
18 report?

19 A. I can only speculate as to why that  
20 entry is in the report. The most likely reason  
21 that I can think of is that, again, as I  
22 explained, she was on the computer dealing with  
23 different computer screens.

24 And for this -- I know that for this,

1 "Injured by offender" entry, it's just a -- I  
2 believe they call it a radio button in computer  
3 terminology, but it's just a button you click on  
4 if that's the entry you want on the report.

5 My best guess would be that somehow  
6 she clicked on that button by accident because  
7 at no time did Jason Van Dyke tell me that he  
8 was injured, at no time did anyone else tell me  
9 that Jason Van Dyke or that anyone else was  
10 injured during this incident besides Laquan  
11 McDonald.

12 And I don't know if maybe Dora  
13 Fontaine thought he was or someone told her that  
14 he was, but I tend to believe that this was more  
15 of an accident because here's the thing: When  
16 an officer intentionally -- if they have a  
17 victim who is injured and they are intentionally  
18 clicking on that button to indicate that the  
19 victim was injured by the offender, there are  
20 then some subsequent drop-down menus that are  
21 normally -- a choice is made to also make an  
22 entry.

23 So in that case, let's say if this  
24 was -- Van Dyke was injured, you would have the

1 entry, "injured by offender." It would then  
2 say, "nature of injury" and a drop-down menu --  
3 some of the -- not all of the selections,  
4 but -- this is not an inclusive list, but  
5 some of the -- and, again, these are all  
6 computer choices. These are not the words of an  
7 officer entering it.

8 Some of the entries and selections --  
9 or possible selections in the drop-down menu are  
10 gunshot wound, stab wound, blunt force trauma,  
11 abrasion, bruising, along those lines.

12 And then there's another drop-down  
13 menu for the weapon used or instrument used to  
14 inflict the injury. Is it a firearm, is it a  
15 knife, is it a blunt instrument, is it hands if  
16 someone is punching someone.

17 So, again, my feeling or my  
18 interpretation of this is, if that was an  
19 intentional entry by Dora Fontaine, I would  
20 expect there to see the entries from the  
21 subsequent drop-down menus here. And those are  
22 not here, so that makes me think more likely  
23 than not, this was -- you know, I'm sure -- I  
24 know I have, most people I know have at some

1 point in time clicked on the wrong button on the  
2 computer and gotten a result that they didn't  
3 want, and I think that's what happened here.

4 I might also add that most of the  
5 entries from this Original Case Report, once it  
6 is approved, when I create a report subsequent  
7 to that, the report -- what I'm starting with is  
8 not a blank report. I'm starting with the  
9 information populated from this report. And  
10 then it's up to me to create -- to correct any  
11 errors and to update any information if I learn  
12 something that's different from what the beat  
13 officer had in their report.

14 And I can tell you from looking at my  
15 reports, nowhere in my reports does this injury  
16 section appear at all.

17 Q. Okay.

18 A. And I don't specifically remember  
19 doing this, but when I created a report, I go  
20 through all the screens to make sure the  
21 information is accurate as far as what I know,  
22 and if that box "injured by offender" had been  
23 checked, I obviously unchecked it because in my  
24 reports, this does not appear.



1 Q. I got you. Did you review this  
2 Exhibit 6 report before it was finalized?

3 A. No.

4 Q. Do you --

5 A. And there's no -- I might also add  
6 that there is no evidence anywhere that I had  
7 anything to do with the drafting or the  
8 reviewing or the approval of this report.

9 Q. Do you recall when you first saw this  
10 Exhibit 6 report?

11 A. Sometime the following morning after  
12 it was approved, I believe.

13 Q. Your name on Page 4 -- bottom of  
14 Page 4 in the Personnel section, your name and  
15 PC number are listed, along with the date of --  
16 well, I should ask you, is that your PC number  
17 next your name at the bottom of Page 4?

18 A. Yes.

19 Q. And then a date and time is -- next  
20 to that PC number is October 21st, 2014, 15:01.

21 What does that time signify?

22 A. Well, again, Mr. McKay alluded to  
23 this at the beginning of this proceeding when he  
24 said John Escalante would never have made the

1 allegations that I am now facing regarding this  
2 report because if you just look at this report,  
3 it logically tells you what happened here.

4           The bottom line -- the last line of  
5 this page is that Dora Fontaine submitted the  
6 report on 21 October 2014 at 0432 hours, which  
7 is 4:32 a.m. That is the time the computer  
8 assigns. She didn't pick that time; that is the  
9 time the computer assigns when she clicks the  
10 "Submit" button.

11           The next time chronologically is the  
12 top -- the top line here, Sergeant Stephen  
13 Franko, it's got his approval time at 21 October  
14 2014 at 0518 hours, that's 5:18 a.m. That is,  
15 again, not a time chosen by Sergeant Franko.  
16 When he clicks -- when he goes in there as a  
17 supervisor and clicks on the "Approval" button,  
18 that time is assigned by the computer.

19           And, again, First Deputy  
20 Superintendent John Escalante would know these  
21 things.

22           My name is on the middle line there,  
23 and it says -- my name is associated with a time  
24 of 21 October 2014 at 1501 hours, which is

1 3:01 p.m. on that same day. So it's almost --  
2 it's getting close -- it's about ten hours after  
3 Sergeant Franko approved the report.

4 And, again, First Deputy  
5 Superintendent Escalante would know that Dora  
6 Fontaine's entry is in regards to when she  
7 submitted the report; Sergeant Franko's name is  
8 in regards to the time he approved the report;  
9 my name is the time at which a supervisor or a  
10 detective assigned to the Area Case Management  
11 Office went into the computer system and  
12 administrative -- knew that I was the assigned  
13 detective and went into the system and  
14 administratively assigned the job -- this  
15 incident to me on 21 October 2014 at 1501 hours.

16 Again, that's the time it was  
17 administratively assigned to me. It was  
18 actually assigned to me many hours earlier on  
19 the night of the 20th by Sergeant Gallagher  
20 verbally in person, but it didn't make it into  
21 the computer obviously until all these steps  
22 occurred.

23 And, again, First Deputy  
24 Superintendent John Escalante would know all

1 this and, therefore, never would have made these  
2 allegations, two of which -- not just one, two  
3 of which I'm looking at regarding this one  
4 report.

5 MR. NEUMER: At this time I'm going to turn  
6 it over to my colleague for follow-up questions.

7 MS. WITZBURG: Thanks.

8 BY MS. WITZBURG:

9 Q. Detective, you mentioned that there  
10 was a conversation on the scene having to do  
11 with who would be designated as a victim; is  
12 that right?

13 A. Correct.

14 Q. Tell us a little bit more about that  
15 conversation. Who else --

16 MR. McKAY: Objection, this has been asked  
17 and answered in April. You were here, Peter,  
18 Kris Brown was here, with all due respect to  
19 Ms. Witzburg, she was not. That's why she  
20 doesn't know about that conversation. You do.

21 That's not the purpose of this second  
22 interview is to do a do-over of the first  
23 interview, so I'm objecting to these questions.

24 And I ask that Ms. Witzburg move on

1 to questions that are related to yours pursuant  
2 to the Collective Bargaining Agreement. She can  
3 ask follow-up questions of your questioning, not  
4 do a discovery deposition of something she may  
5 not have personal knowledge of because she was  
6 not present for the April interviews.

7 MR. NEUMER: I mean, I think the question  
8 is reasonable and I would just ask the court  
9 reporter to read it back to Mr. -- Detective  
10 March.

11 (WHEREUPON, the record was  
12 read by the reporter.)

13 BY THE WITNESS:

14 A. Maybe you could repeat the -- ask me  
15 what you want to know.

16 BY MS. WITZBURG:

17 Q. Who participated in that  
18 conversation?

19 A. I do not recall all of the parties.  
20 I know obviously myself was part of it. I  
21 believe Sergeant Gallagher was part of it, and  
22 ultimately I know Deputy Chief David McNaughton,  
23 who was the on-call incident commander, the  
24 highest-ranking department member on the scene

1 in charge of the entire scene, he ultimately  
2 weighed in on it.

3 Q. Okay. And do you know which person  
4 who had participated in that conversation gave  
5 the information to Officer Fontaine as to who to  
6 designate as victims in that report?

7 A. I don't recall how that information  
8 got communicated to her.

9 Q. Do you recall if it was you?

10 A. No, I don't recall.

11 Q. Okay. So it could have been but  
12 you're not sure?

13 MR. McKAY: Objection, asked and answered.

14 I also ask the record reflect that  
15 this questioning, in my mind, is violating  
16 Subsection C of Section 6.2 of the Collective  
17 Bargaining Agreement which clearly mandates that  
18 if there is a second interviewer, that second  
19 interviewer will ask follow-up questions for  
20 clarification purposes only. She cannot or he  
21 cannot conduct questioning of a witness during a  
22 second interview after it had already been gone  
23 into during the first interview several months  
24 ago.

1 BY MS. WITZBURG:

2 Q. Detective March, you told us you  
3 first saw this report, I believe you said,  
4 sometime the following day, sometime on  
5 October 21st; is that right?

6 A. Sometime that morning.

7 Q. Okay. Generally speaking, when  
8 you're assigned to an investigation, when you  
9 review the Original Case Incident Report, if you  
10 discover something that you consider to be an  
11 error in that report, what steps would you take?

12 A. As I just -- I think I just went into  
13 that. When I go in to create my subsequent  
14 reports, if there's any information that's  
15 inaccurate, I correct it.

16 If there's additional information  
17 that the officer didn't have at the time that I  
18 now have, I add that and update the -- I update  
19 everything to the most accurate information that  
20 I have available to me.

21 Q. Understood. To ensure the accuracy  
22 of your subsequent reports, correct?

23 A. Correct.

24 Q. Would you take any steps as far as

1 correcting the original report itself or noting  
2 anywhere that that report contained an error?

3 A. No, for integrity of the report, once  
4 the report is approved by a sergeant, it cannot  
5 be changed. That is the original report. Any  
6 subsequent reports that need to -- have updated  
7 information, you create that information in the  
8 updated reports.

9 Like I said, in this case, I don't  
10 specifically remember that, but it makes  
11 sense -- I mean, it would most likely be that  
12 this obviously does appear, this entry about  
13 Van Dyke being injured by offender obviously  
14 does appear in the approved version of her  
15 report.

16 So, again, I don't specifically  
17 recall this, but it should have carried over and  
18 populated my report when I created my report in  
19 the computer, and then when I went through all  
20 the screens to make sure the information was  
21 accurate and update new information that I had,  
22 I -- again, that information is not in my  
23 report, so, again, I don't specifically recall  
24 taking this action, but I probably unchecked



1 that button so that my report was accurate as  
2 far as what the facts were as I knew them.

3 Q. Okay. And did you record anywhere  
4 your impression that the original report  
5 contained this inaccurate fact?

6 A. No, and there's no requirement that I  
7 do that.

8 Q. Thanks.

9 MR. MCKAY: I would object to that question  
10 because that's not alleged by the Office of  
11 Inspector General in the Notification of  
12 Allegations.

13 He is being asked about either  
14 reviewing and approving her report or assisting  
15 in the drafting. There is no allegation that  
16 he's under some duty to correct a report he did  
17 not prepare nor did he approve.

18 MR. NEUMER: The time is 12:17 p.m. We're  
19 going to go off the record.

20 (WHEREUPON, a recess was had.)

21 MR. NEUMER: Time is 12:20 p.m. We're back  
22 on the record.

23 BY MR. NEUMER:

24 Q. Detective March, we have no further

1 questions for you today; however, understanding  
2 the nature of our investigation, if there's any  
3 other information you think is -- we should  
4 know, now is your opportunity to provide that  
5 information on the record.

6 MR. McKAY: Well, can I ask you a question,  
7 Peter? You made -- your office, I should say,  
8 made four allegations, three of which are  
9 somewhat specific, the fourth one is just an  
10 overall allegation based on the first three.

11 Are you going to specifically ask  
12 Detective March whether he admits or denies your  
13 allegations?

14 MR. NEUMER: I mean, I think the -- I think  
15 his answers have specifically addressed each of  
16 the Notice of Allegations. If there's anything  
17 he would like to say regarding allegations one  
18 through four, the floor is yours.

19 MR. McKAY: All right. If I may?

20 EXAMINATION

21 BY MR. McKAY:

22 Q. Detective March, drawing your  
23 attention to the Office of Inspector General's  
24 Exhibit 3, number one, on October 21st, 2014,

1 did you review and approve an Original Case  
2 Incident Report, which includes an event number  
3 of 1429315878 and an RD number of HX475653, even  
4 though it falsely stated that Officer Jason  
5 Van Dyke was "injured by offender"?

6 A. My response to the allegation is the  
7 allegation is entirely false. I have no  
8 authority to review and approve anyone's  
9 Original Case Incident Report, and in this case,  
10 I did not review and approve the Original Case  
11 Incident Report.

12 Q. Directing your attention to  
13 allegation number two of the Inspector General's  
14 Exhibit 3.

15 On or about October 20th, 2014, or  
16 October 21st, 2014, did you assist in the  
17 drafting of the OCIR which falsely stated that  
18 Officer Jason Van Dyke was "injured by  
19 offender"?

20 A. No, I did not assist in the drafting  
21 of that report, especially regarding the point  
22 at which it states that Officer Van Dyke was,  
23 "injured by offender."

24 Q. In fact, sir, in all of the reports

1 that you did create, whether they were  
2 supplemental reports or GPRs of witness  
3 interviews, did you at any time indicate that  
4 Officer Jason Van Dyke was injured by Laquan  
5 McDonald?

6 A. No, never.

7 Q. Regarding allegation number three of  
8 Inspector General's Exhibit Number 3, did you,  
9 on or about October 20th, 2014, make a false  
10 statement to Investigator Earl Briggs of the  
11 Cook County Office of the Medical Examiner when,  
12 with respect to the McDonald shooting, where  
13 Briggs wrote down, "McDonald lunged at the  
14 Chicago police officers assigned to Beat 845R  
15 with a knife," what do you say about that  
16 allegation?

17 MR. NEUMER: Just for the record, Jim, can  
18 you note that you added some additional language  
19 to the allegation number three in your recital  
20 of it.

21 MR. MCKAY: Well, I will only because you  
22 and your office stated Detective March stated to  
23 Briggs that McDonald lunged at Chicago police  
24 officers. It's Detective March's position he

1 didn't state that at all to anybody.

2 BY MR. McKAY:

3 Q. So I would ask, Detective March, how  
4 do you respond to allegation number three of the  
5 Inspector General's Exhibit Number 3 as they  
6 have specifically alleged?

7 A. The allegation is entirely false. I  
8 never made a false statement to Investigator  
9 Briggs especially to the point where it's  
10 alleged here that I said that -- or that I  
11 stated that McDonald lunged at Chicago police  
12 officers assigned to Beat 845 Robert with a  
13 knife.

14 I might also add that has been well  
15 documented now in our review of that report,  
16 there is a vast array of information contained  
17 in that report that no way could have possibly  
18 come from me at the time that I made that  
19 notification from the scene.

20 So obviously that report is a summary  
21 of a lot of information that Investigator Briggs  
22 obtained from a number of different sources,  
23 and, as I already detailed in our discussion of  
24 that report, it is not a summary of information

1 he obtained exclusively from me.

2 I also might add, again as to the  
3 credibility of his report being used for any  
4 allegations against me and his attention to  
5 detail to record facts, the most glaring of  
6 which he's got the incident occurring on the  
7 wrong date, which does not appear to me to be a  
8 typographical error where he just got one number  
9 wrong; he got both numbers wrong on the date,  
10 the first and the second number. So it doesn't  
11 appear to be just a simple typo to me.

12 Again, so it goes to the credibility  
13 of that report being used as a -- regarding his  
14 attention to detail and that being used as a  
15 factual basis for any allegations against me.

16 I also might add that there was  
17 absolutely no motive for me to misrepresent  
18 Laquan McDonald's action during the  
19 confrontation with Jason Van Dyke because right  
20 from the beginning, I told Investigator Briggs  
21 this was a police officer-involved shooting  
22 where the offender had been shot and killed.  
23 And I told him that the subject, Laquan  
24 McDonald, had been struck multiple times by

1 gunshot wounds.

2           So there is no way using the word  
3 "lunged" as opposed to any other word would have  
4 made a difference to the Medical Examiner's  
5 Office. It was very clear that night at the  
6 scene before the Medical Examiner's Office ever  
7 got the body that their ultimate finding was  
8 going to be that the cause and manner of death  
9 would be multiple gunshot wounds, homicide.

10           The only question left was whether or  
11 not Jason Van Dyke's use of deadly force was  
12 justified or not, and the Medical Examiner's  
13 Office does not weigh in on that. All they do  
14 is make the determination that the cause of  
15 death is multiple gunshot wounds, because  
16 there's more than one gunshot wound -- and the  
17 manner of death is homicide.

18           And in the terms that the Medical  
19 Examiner's Office uses, all that indicates was  
20 that this person was killed by another person,  
21 not by a car crash or anything else. Whether or  
22 not it was a crime or a justifiable homicide or  
23 an accident, the Medical Examiner's Office  
24 doesn't make that determination. That is

1 determined through all of the subsequent  
2 investigation that was -- is conducted.

3 So the portrayal of Laquan McDonald's  
4 actions in a preliminary notification to the  
5 Office of the Medical Examiner would have had  
6 no -- absolutely no bearing on their findings in  
7 this matter.

8 And so, therefore, I think, again,  
9 that's consistent with me, again, knowing about  
10 the importance of details of the elements of a  
11 crime and knowing in almost two years of talking  
12 about this case, in writing, in verbally, in  
13 front of different authorities, I never -- have  
14 never used the word, "lunge" or, "lunged" to  
15 characterize what Laquan McDonald did that  
16 night.

17 And I wouldn't have used it as  
18 quoting of any of my witnesses because none of  
19 the witnesses I spoke to ever used the word,  
20 "lunge." And, again, as I already said, when I  
21 viewed the video, what I viewed I never  
22 characterized as a lunge.

23 So, again, I believe what's in  
24 Investigator Briggs' report in addition to his



1 inaccuracies are his words, using his words, he  
2 summarized all of the information he gathered  
3 that night.

4 Q. In your preparation of your official  
5 reports in this case, did you ever use the words  
6 or the phrase that Laquan McDonald lunged at  
7 Chicago police officers?

8 A. No.

9 Q. Finally, regarding allegation  
10 number four in Exhibit Number 3 of the Office of  
11 Inspector General, which alleges that you were  
12 incompetent in the performance of your duties in  
13 the ways enumerated in allegations one through  
14 three, how do you respond?

15 A. I find it very, very -- I find  
16 allegation number four maybe the most offensive  
17 allegation that I am facing regarding this  
18 investigation, and here's why: My mother and  
19 father did a wonderful job raising five  
20 children, okay? They taught me the importance  
21 of being a conscientious student in school and a  
22 conscientious employee in the workforce, the  
23 importance to showing to work on time, giving  
24 your best effort to anything that you do, okay?

1 I, over 34 years of employment with  
2 the Chicago Police Department -- and no one in  
3 the Inspector General's Office probably has any  
4 idea, but within the organization of the Chicago  
5 Police Department, I have a reputation for being  
6 very complete, very thorough, very professional,  
7 and very competent, okay?

8 And I'm not using these words just  
9 because I have a Donald Trump ego, okay? People  
10 have told me that. Supervisors have told me  
11 that. Prosecutors in the State's Attorney's  
12 Office of Cook County have told me.

13 I've dealt with law enforcement  
14 agencies at the federal level, state level,  
15 county level, city level, other municipalities,  
16 and never once -- and you can check my  
17 disciplinary record -- has anyone ever made any  
18 kind of indication that my work is anything but  
19 complete, thorough, professional, and competent.

20 And I find this allegation, as I  
21 said, the most reprehensible and offensive of  
22 anything that I encountered so far during the  
23 course of this investigation. And I would just  
24 caution the Inspector General's Office, who

1 likes to use these words very generously, to be  
2 careful in their terminology because the words  
3 they're using during the course of this  
4 investigation could very well come back and used  
5 to judge their competence and professionalism  
6 and thoroughness and completeness.

7 Q. In addition to that, Detective March,  
8 is there anything you wish to add to what you  
9 have already testified under oath to?

10 A. No.

11 MR. MCKAY: Thank you, Mr. Neumer.

12 MR. NEUMER: The time is 12:31, and this  
13 interview is concluded.

14 (WHEREUPON, the interview was  
15 concluded at 12:31 p.m.)  
16  
17  
18  
19  
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23  
24

1 C E R T I F I C A T E O F R E P O R T E R

2

3 I, MICHELLE M. YOHLER, a Certified  
4 Shorthand Reporter within and for the County of  
5 Cook, State of Illinois, do hereby certify:

6 That previous to the commencement of  
7 the examination of the witness, the witness was  
8 duly sworn to testify the whole truth concerning  
9 the matters herein;

10 That the foregoing interview  
11 transcript was reported stenographically by me,  
12 was thereafter reduced to typewriting under my  
13 personal direction and constitutes a true record  
14 of the testimony given and the proceedings had;

15 That the said interview was taken  
16 before me at the time and place specified;

17 That I am not a relative or employee  
18 or attorney or counsel, nor a relative or  
19 employee of such attorney or counsel for any of  
20 the parties hereto, nor interested directly or  
21 indirectly in the outcome of this action.

22

23

24

1 IN WITNESS WHEREOF, I do hereunto set  
2 my hand and affix my seal of office at Chicago,  
3 Illinois, this 26th day of July, 2016.

4  
5  
6 *Michelle Paoletti Yorlano*  
7  
8  
9

10  
11 C.S.R. Certificate No. 84-4531.  
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<b>Exhibits</b>	<b>12</b> 8:18	<b>2015</b> 6:15 16:17 41:3	<b>300</b> 4:21
<b>March Exhibit No</b>	<b>125</b> 3:6	<b>2016</b> 4:19 6:12 9:2, 10,18 16:16 23:9 31:23 32:4 33:3,20 34:14 35:7 40:24 42:9	<b>31</b> 3:5,12
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CITY OF CHICAGO  
OFFICE OF INSPECTOR GENERAL

ADVISEMENT OF RIGHTS

I, David March, understand that I am being interviewed by  
Peter Neumer and Deborah Witzburg from the City of  
Chicago Office of Inspector General.

DATE 7/25/16 TIME \_\_\_\_\_ LOCATION 300 West Adams Street, Ste. 800, Chicago, IL

I understand that this interview is part of an official investigation and that I have a duty to cooperate with the Office of Inspector General, which includes answering all questions completely and truthfully.

I understand that I have no right to remain silent. I understand that I have an obligation to answer questions put to me truthfully. I understand that if I refuse to answer questions put to me, I will be ordered by a superior officer to answer the questions. I further understand and I have been advised that if I persist in my refusal to answer after an order to do so, such further refusal constitutes a violation of the Rules and Regulations of the Chicago Police Department and may serve as the basis for my discharge.

I understand and have been advised that my statements or responses may constitute an official police report. I understand that Rule 14 of the Chicago Police Department's Rules and Regulations prohibits making a false report, written or oral, and I further understand that making such a false report, whether written or oral, may result in my separation from the Chicago Police Department.

I understand that any statement made by me during this interview may be used as evidence of misconduct or as the basis for disciplinary action up to and including removal or discharge.

I understand that any statement made by me during this interview and the fruits thereof cannot be used against me in a criminal proceeding.

I understand that I have the right to have a union representative, or legal counsel of my choosing, present at the interview to consult with, and that I will be given a reasonable time to obtain a union representative or legal counsel as long as the interview is not unduly delayed.

I understand that a refusal to answer any question, or any false, inaccurate, or deliberately incomplete statement by me would constitute a violation of Chicago Municipal Ordinance 2-56, and may serve as the basis for my discharge.

I acknowledge that this statement of my administrative rights has been read aloud to me, and I have been allowed to review this document.

[Redacted Signature]

Employee Signature

Witness: [Signature]

Witness: [Redacted Signature]

\*\*\*\*\*

WAIVER

Understanding these rights, I wish to answer questions from investigators from the Office of Inspector General without having a union representative or legal counsel present. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Employee Signature: \_\_\_\_\_



<b>NOTIFICATION OF INTERVIEW TO CPD MEMBER</b>			DATE
CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL			July 20, 2016
NAME	RANK	STAR NO.	UNIT OF ASSIGNMENT
David March	Detective	20563	610

### YOUR APPEARANCE IS REQUIRED

AT <input checked="" type="checkbox"/>	Amicus Court Reporters 300 West Adams, Ste 800 Chicago, IL 60606	ON	DATE July 23, 2016	TIME 9:00 PM
AS	<input checked="" type="checkbox"/> ACCUSED	<input type="checkbox"/> WITNESS	<input type="checkbox"/> COMPLAINANT	
FOR	<input checked="" type="checkbox"/> A STATEMENT			
CONCERNING Detective David March's false statements concerning the McDonald Shooting and review and approval of reports containing false statements.				

### YOU ARE TO REPORT TO:

LEAD INVESTIGATOR	TITLE	PHONE NO.	EMAIL
Kristopher Brown	Investigator III	773-478-0221	kbrown@chicagoinspectorgeneral.org

**NOTE: You MUST notify the Lead Investigator of your inability to keep this scheduled appointment.**

### ALSO PRESENT AT THE INTERVIEW WILL BE:

NAME	TITLE	NAME	TITLE
Peter Neumer	Senior Assistant Inspector General	N/A	N/A

THE INTERVIEW WILL BE ☐ AUDIO RECORDED ☒ TRANSCRIBED BY A LIVE REPORTER

TO BE COMPLETED BY INTERVIEWEE (if applicable)

### ACKNOWLEDGEMENT

Please contact Investigator Brown at (773) 478-0221 to confirm receipt of Notification of Interview and to confirm your attendance at the interview.

I hereby acknowledge receipt of this Notification of Interview.

SIGNATURE

[Redacted Signature]

DATE 20 Jul 2016

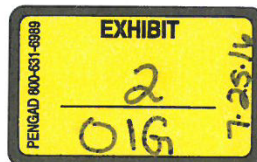
PRINTED NAME

David M MARCH

TIME 1600

TO BE COMPLETED BY OFFICE OF INSPECTOR GENERAL OR  
CPD COMPONENT PROVIDING NOTIFICATION TO INTERVIEWEE

NOTIFICATION MADE TO:	TITLE, RANK, & UNIT	DATE	TIME
David March	Detective 610	20 JUL 16	1600
NOTIFICATION MADE BY:	TITLE, RANK, & UNIT	DATE	TIME
Andrew Stewart	Sergeant	20 JUL 16	1600





## NOTIFICATION OF ALLEGATIONS

CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

NAME OF ACCUSED	RANK	STAR NO.	UNIT OF ASSIGNMENT
David March	Detective	20563	610

City ordinance, and if applicable, collective bargaining agreements, provide that you are entitled to notice of the nature of the allegations against you and the identity of all complainants prior to any interview. Accordingly, you are advised as follows:

### COMPLAINANT(S)

1. John J. Escalante, Interim Superintendent of Chicago Police Department, sent a letter to the City of Chicago Office of Inspector General (OIG) dated January 13, 2016, requesting that OIG conduct an administrative investigation of the following allegations arising out of the October 20, 2014 shooting death of Laquan McDonald (the McDonald Shooting): "whether any officer(s) made false statements on official reports submitted in connection with the shooting of Laquan McDonald on October 20, 2014; whether any officer(s) obstructed or interfered with the investigation of this incident, either individually or in collusion with others; and whether any officer(s) committed any violation of Chicago Police Department rules, policies, or orders in connection with their response and/or handling of this matter." Escalante attached to the letter a copy of Sergeant S. Soria's (Star # 2275) Initiation Report, which raises similar allegations of misconduct with respect to Department members in connection with the McDonald Shooting, and identified that Report as a basis for OIG's administrative investigation.

### ALLEGATION (S)

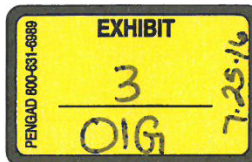
1. On October 21, 2014, you reviewed and approved an Original Case Incident Report, which includes an Event Number of 1429315878 and an R.D. Number of HX475653 (the OCIR), even though it falsely stated that Officer Jason Van Dyke was "Injured by offender."
2. On or about October 20, 2014 or October 21, 2014, you assisted in the drafting of the OCIR, which falsely stated that Officer Jason Van Dyke was "Injured by offender."
3. On or about October 20, 2014, you made a false statement to Investigator Earl Briggs of Cook County's Office of the Medical Examiner when, with respect to the McDonald shooting, you stated that McDonald lunged at Chicago Police Officers assigned to Beat 845R with a knife.
4. You were incompetent in the performance of your duties in the ways enumerated in allegations 1 through 3.

### ACKNOWLEDGEMENT

I hereby acknowledge receipt in writing of the identity of the complainant(s) and notice of the nature of the allegation(s) against me.

Signature \_\_\_\_\_

Date 28 Jul 2016



David M MARCH

20 JUL 2016

Printed Name

Andrew Stewart #1759

Time

1600

WITNESSES



TJS



CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL  
740 North Sedgwick Street  
Suite 200  
Chicago, Illinois 60654

# RECEIPT FORM

OIG FILE NO. 15-0564

ON 20 July 2016 AT 1600 hrs.  
DATE TIME

Andrew Stewart Sergeant  
NAME TITLE

☐ SEIZED FROM ☐ RECEIVED FROM ☐ RETURNED TO ☒ RELEASED TO

NAME	TITLE	DEPT.
David March	Detective	Chicago Police Department

## THE FOLLOWING ITEM(S):

- a copy of an October 21, 2014 Cook County Office of Medical Examiner Case Report for ME2014-01071;
- a copy of an October 21, 2014 Original Case Incident Report for R.D. No. HX475653 with the event number 1429315878 and the "Case ID" 9825613 CASR 229.

## ACKNOWLEDGEMENT

I hereby acknowledge receipt in writing of the above-listed item(s).

Signature [Redacted]

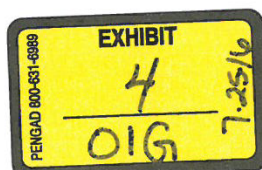
Date 20 JUL 2016

Printed Name David M MARCH

Time 1600

## WITNESSES

[Redacted] 1259





**Medical Examiner Investigations  
Case Report  
ME2014-01071**

Companion Case to:

Case Type: Forensic Institute

Initial Impression: GSW / Police Involved Shooting

**Decedent / Subject**

Deceased Name: Laquan McDonald

Deceased DOB: [REDACTED]

Deceased Gender / Race / Age: Male / Black / 17 Y

Deceased Home Address & County: [REDACTED]

County: Cook County

Deceased Phone: Unknown

Social Security: 000-00-0000

**Notification**

Date: 10/20/2014

Time: 11:51:59 PM

Name: Detective March

Title: Detective

Star: 20563

Telephone Number: 312-747-8380

Agency or Institution making notification: Chicago Police Department

Beat: 5121

Police Report #: HX475653

**Discovered**

Discovered by: Chicago Police Beat # 845R

Address: 3420 W. 63rd Street, Chicago, IL 60629

Phone: 312-747-8730

Title: Police Officer

Relationship: Police Officer

Last known alive: 10/20/2014

Discovered Date/Time: 10/20/2014 9:56:00 PM



Page 1 of 4

OIG 15-0564 015028

OIG 15-0564 016566

**Medical Examiner Investigations  
Case Report  
ME2014-01071**

CPR performed: N/A

Condition of body: Multiple GSW

**Place of Occurrence / Incident**

Address where ORIGINAL Incident occurred: 4112 S. Pulaski Chicago, IL 60632

County of Occurrence: Cook County

Type of Premises: STREET

Time of occurrence: 9:56:00 PM

Date: 10/20/2014

**Identification of Deceased:**

Positive Identification: Coworker

Identification Means: Fingerprints

Additional ID Info: ICLEAR Chicago IR # 2106340

**Pronouncement**

Place deceased pronounced: Hospital ER

Method of Pronouncement: On View

Hospital: MOUNT SINAI MEDICAL CENTER

Date and Time: 10/20/2014 10:42:00 PM

Pronounced by: Dr. Titeel

Fire Department on Scene: Chicago Fire Dept # 21

**List of Person Interviewed**

Name / Relationship or title / Address / Phone Number:

Detective March	Police Officer	Detective	5101 S. Wentworth, Chicago, IL 60609	312-747-8380
-----------------	----------------	-----------	---	--------------

## Medical Examiner Investigations

### Case Report

**ME2014-01071**

#### Next of Kin

Next of Kin Name: Unknown Kin

Contact Info: Unknown

Next of Kin notified: ☒ Next of kin unknown

#### Narrative

On 20 October 2014 at 2351 hours Detective March # 20563 of the Chicago Police Department Area Central Detectives Beat # 5121 notified the Forensic Institute the subject Laquan McDonald had expired at Mt. Sinai Hospital after being shot by an on duty Chicago Police Officer.

Detective March related the following; on or about 2156 hours 19 October 2014 Chicago Police 8th District Beat Car 815R responded to 41st and Kildare in reference to a "Citizen Holding a Subject". Upon arrival Beat # 815R was confronted by the subject who threatened the officers with a 4 inch fold knife. The subject fled the scene on foot where at 4112 S. Pulaski the subject was stopped by officers assigned to Beat # 845R. The officers announced their office as "Chicago Police Officers" and ordered the subject to drop the knife. The subject lunged at the officers with the knife. Fearing for their life and attempting to stop the threat one officer (star # 9465) fired sixteen rounds from his duty weapon a Smith & Wesson 9mm handgun striking the subject numerous times. After striking the subject an ambulance was requested by the officers.

Upon arrival of Chicago Fire Department Ambulance # 21 the subject was transported to Mt. Sinai Hospital. Once at Mt. Sinai Hospital emergency room staff were unable to revive the subject and the subject expired at 2242 hours being pronounced by Doctor Titeel. It appears that the subject sustained the following gunshot wounds, four to the chest, six to the right arm, five to the left arm, one to the rightside torso, two to the back, one to the right hip, two to the left leg front, two to the left leg rear, 2 to the left thigh and three to the right thigh. At this time since the officer fired sixteen times which of the twenty-six gunshot wounds are entrance or exit wounds.

At the time of this incident both officers assigned to Beat # 845R and 815R were in full Chicago Police Department uniform.

The subject was ordered along with all police reports, medical records which included admission blood which was drawn to the Forensic Institute for further examination.

Subject was positively identified by the Chicago Police ICLEAR system based on a prior Chicago Police Booking Number IR2106340. At the time of this report it is unknown why the citizen was "Holding the Subject" since the citizen left the scene and could not be interviewed.

Subject's next of kin has not been notified

#### Pertinent Information

Page 3 of 4

OIG 15-0564 015030

OIG 15-0564 016568

ME2014-01071

CHICAGO POLICE DEPARTMENT  
ORIGINAL CASE INCIDENT REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653  
(For use by Chicago Police Department Personnel Only)  
CPD-11.389(6/03)-C)

RD #: HX475653

EVENT #: 1429315878

Case ID: 9825613 CASR229

ASSIGNED TO FIELD

IUCR: 0552 - Assault - Aggravated Po:Knife/Cut Instr

Occurrence 4000 S Karlov Ave

Beat: 0815

Unit Assigned: 0841R

Location: Chicago IL

RO Arrival Date: 20 October 2014 21:57

304 - Street

# Offenders: 1

Occurrence Date: 20 October 2014 21:56

VICTIM - Individual

Name: PO. GAFFNEY #19958,  
Thomas

Demographics

Male

Age: 41 Years

Res: 3420 W 63rd St  
Chicago IL

Beat: 0823

Beat: 5100

Sobriety: Sober

VICTIM - Individual

Name: PO. VAN DYKE #12865,  
Jason

Demographics

Age: 36 Years

Res: 3420 W 63rd St  
Chicago IL

Beat: 0823

Beat: 5100

Sobriety: Sober

VICTIM - Individual

Name: PO. WALSH #12865,  
Joseph

Demographics

Age: 45 Years

Res: 3420 W 63rd St  
Chicago IL

Beat: 0823

Beat: 5100

Sobriety: Sober

Injury Info (PO. VAN DYKE #12865, Jason - Victim)

Injured by offender

Suspect # 1

In Custody

Name: MCDONALD, Lequan J

Demographics

Res: [REDACTED]  
Chicago IL

Beat: 0314

Male

DOB: [REDACTED]

Black

Age: 17 years

6'01,

Birth Place: IL

185 lbs

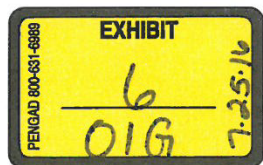
Brown Eyes

Suspected of Using: Weapon

Brown Hair

Dreadlocks Hair Style

Dark Complexion



RD #: HX475653



<b>SUSPECT</b>	<b>Injury Info</b>			
	CFD First Aid Given?	Yes	Injury Extent: Fatal	Pronounced Date: 20 October 2014 22:42
	Responding Unit:	Ambulance 21	Hospital: Mt. Sinai	Removed By: Ambulance 21
			Physician: Dr. Pitzel	Removed Date: 20-OCT-14
	Type		Weapon Used	
	Gun Shot Wound		Handgun	

<b>RELATIONSHIP</b>	<b>RELATIONSHIP</b>			
	(Victim)		(Offender)	
	PO. GAFFNEY #19958, Thomas	is a No Relationship of	MCDONALD, Lequan, J	
	(Victim)		(Offender)	
	PO. VAN DYKE #12865, Jason	is a No Relationship of	MCDONALD, Lequan, J	
	(Victim)		(Offender)	
	PO. WALSH #12865, Joseph	is a No Relationship of	MCDONALD, Lequan, J	

<b>DOMESTIC INFO</b>				

<b>VEHICLE</b>	<b>Vehicle #1</b>			
	Vehicle: Chevrolet - Tahoe - Truck	Damaged?	Yes	Owner: City Of Chicago
	Style: Hardtop, 4-Door	Damaged Descr:	Tire(S)-Flat, Front Windshield Scratched	Possessor/User: PO. GAFFNEY #19958, THOMAS
	Color-Top/Bottom: White/White	Theft From?	No	Towed? No
		Burned?	No	
	License Plate #: Mp6581 - Illinois - Law Enforcement (City, County, State, Sos)	Destroyed?	No	
	Expires: 01-December-2014	Recovered?	No	
		Stolen?	No	
Vehicle Identifiers: Police Squad Car				

Chicago Police Department - Incident Report

RD #: HX475653

NOTIFICATIONS	Request Type	Unit	Agency Name	Date	Star #	Name
	Notification	177	Forensic Services Division	20 October 2014 23:07	13131	,SARLO
	Request Type			Date	Star #	Name
	Notification			20 October 2014 23:14	4898	,JINES
	Request Type	Unit	Agency Name	Date	Star #	Name
	On Scene	610	Detective Area - Central	20 October 2014 21:50	20563	,MARCH
	Request Type	Unit	Agency Name	Date	Star #	Name
	Notification	116	Deployment Operations Center	21 October 2014 22:58	7303	,CHIBE
	Request Type			Date	Empl #	Name
	Notification			20 October 2014 23:50	76	,BRIGGS

NARRATIVE

EVENT# 15878 REFER TO DETECTIVE DIVISION SUPPLEMENTARY REPORT.  
 NOTIFICATION: WATCH COMMANDER OF UNIT LT. KOCH Beat#: Star#: 715 Emp#: Date: 20-OCT-2014 Time: 2250 NOT  
 NOTIFICATION: STATION SUPERVISOR COMISKEY Beat#: Star#: 1774 Emp#: Date: 21-OCT-2014 Time: 2250 NOT  
 NOTIFICATION: SERGEANT STEPHEN FRANKO Beat#: 0810R Star#: 1381 Emp#: Date: 21-OCT-2014 Time: 2158 ONS  
 ASSISTING OFFICER - STAR#: 10590 NAME: RICARDO VIRAMONTES BEAT: 0841R  
 REPORTING OFFICER - STAR#: 19958 NAME: THOMAS GAFFNEY BEAT: 0815R  
 REPORTING OFFICER - STAR#: 18715 NAME: JOSEPH MCELLIGOTT BEAT: 0815R  
 ASSISTING OFFICER - STAR#: 12865 NAME: JOSEPH WALSH BEAT: 0845R  
 ASSISTING OFFICER - STAR#: 9465 NAME: JASON VAN DYKE BEAT: 0845R  
 ASSISTING OFFICER - STAR#: 4364 NAME: JANET MONDRAGON BEAT: 0813R  
 ASSISTING OFFICER - STAR#: 2763 NAME: DAPHNE SEBASTIAN BEAT: 0813R  
 ASSISTING OFFICER - STAR#: 6442 NAME: TERENCE BRADY BEAT: 0811R  
 ASSISTING OFFICER - STAR#: 7025 NAME: MICHAEL BELMONTEZ BEAT: 0811R  
 ASSISTING OFFICER - STAR#: 10385 NAME: LETICIA VELEZ BEAT: 0822  
 ASSISTING OFFICER - STAR#: 15790 NAME: ARTURO BECERRA BEAT: 0822  
 ASSISTING OFFICER - STAR#: 9654 NAME: RAUL ROSALES JR BEAT: 0821R  
 ASSISTING OFFICER - STAR#: 8302 NAME: PATRICK KENNING BEAT: 0821R  
 SUPERVISOR ON SCENE - STAR#: 1320 NAME: BRYAN SPREYNE BEAT: 0865  
 SUPERVISOR ON SCENE - STAR#: 1381 NAME: STEPHEN FRANKO BEAT: 0810R  
 ASSISTING OFFICER - STAR#: 12392 NAME: DAVID IVANKOVICH BEAT: 0823R  
 ASSISTING OFFICER - STAR#: 19898 NAME: JOSE TORRES BEAT: 0823R  
 ASSISTING OFFICER - STAR#: 11830 NAME: ANTHONY VANCE BEAT: 0833R  
 ASSISTING OFFICER - STAR#: 16422 NAME: JAMES GEISBUSH BEAT: 0833R  
 ASSISTING OFFICER - STAR#: 6490 NAME: LUIS GARCIA BEAT: 0851R  
 ASSISTING OFFICER - STAR#: 12037 NAME: ELLIOT FLAGG BEAT: 0851R  
 SUPERVISOR ON SCENE - STAR#: 1734 NAME: PETER MC GLYNN BEAT: 0830R  
 OTHER SUPPORT - STAR#: 20453 NAME: JOHN HALLORAN BEAT: 5131  
 OTHER SUPPORT - STAR#: 21128 NAME: JOHN MURRAY BEAT: 5131  
 OTHER SUPPORT - STAR#: 20563 NAME: DAVID MARCH BEAT: 5121  
 OTHER SUPPORT - STAR#: 21285 NAME: GREGORY JONES BEAT: 5122  
 OTHER SUPPORT - STAR#: 20606 NAME: RICHARD HAGEN BEAT: 5165  
 OTHER SUPPORT - STAR#: 529 NAME: OSVALDO VALDEZ BEAT: 5105  
 OTHER SUPPORT - STAR#: 62 NAME: EUGENE ROY BEAT: 5100  
 OTHER SUPPORT - STAR#: 10201 NAME: CARL BRASIC BEAT: 5802  
 OTHER SUPPORT - STAR#: 8825 NAME: KAMAL JUDEH BEAT: 5802  
 OTHER SUPPORT - STAR#: 819 NAME: DAVID FRIEL BEAT: 5880  
 OTHER SUPPORT - STAR#: 20201 NAME: MATTHEW RICKHER BEAT: 5885  
 OTHER SUPPORT - STAR#: 1303 NAME: DANIEL GALLAGHER BEAT: 5120  
 ASSISTING OFFICER - STAR#: 20555 NAME: ROBERTO GARCIA BEAT: 5122  
 - STAR#: 120 NAME: DAVID MC NAUGHTON BEAT: 41  
 - STAR#: 13 NAME: JAMES O DONNELL BEAT: 0800  
 - STAR#: 107 NAME: DENNIS WALSH BEAT: 0890  
 - STAR#: 14193 NAME: MAHMOUD HALEEM BEAT: 0865B  
 - STAR#: 13516 NAME: IVAN LOPEZ BEAT: 0865B  
 - STAR#: 10333 NAME: PATRICK KENAH BEAT: 0865C  
 - STAR#: 14393 NAME: ANDRES ZEPEDA BEAT: 0865C  
 - STAR#: 13882 NAME: ROBERT SHULTZ BEAT: 0865C

PERSONNEL

	Star No	Emp No	Name	User	Date	Unit	Beat
Approving Supervisor	1381	[REDACTED]	FRANKO, Stephen, D	[REDACTED]	21 Oct 2014 05:18	008	
Detective/Investigator	20563	[REDACTED]	MARCH, David, M	[REDACTED]	21 Oct 2014 15:01	610	
Reporting Officer	4484	[REDACTED]	FONTAINE, Dora	[REDACTED]	21 Oct 2014 04:32	008	0841R